

**SUPPORTING STATEMENT FOR  
EPA INFORMATION COLLECTION REQUEST NUMBER 1360.06  
"UNDERGROUND STORAGE TANKS: TECHNICAL AND FINANCIAL  
REQUIREMENTS, AND STATE PROGRAM APPROVAL  
PROCEDURES"**

**July 16, 2001**

## TABLE OF CONTENTS

1.	IDENTIFICATION OF THE INFORMATION COLLECTION .....	1
1(a)	Title and Number of the Information Collection .....	1
1(b)	Short Characterization .....	1
2.	NEED FOR AND USE OF THE COLLECTION .....	6
2(a)	Need and Authority for the Collection .....	6
2(b)	Practical Utility and Users of the Data .....	7
3.	NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA .....	7
3(a)	Nonduplication .....	7
3(b)	Public Notice .....	8
3(c)	Consultations .....	8
3(d)	Effects of less Frequent Collection .....	8
3(e)	General Guidelines .....	8
3(f)	Confidentiality .....	9
3(g)	Sensitive Questions .....	9
4.	THE RESPONDENTS AND THE INFORMATION REQUESTED .....	9
4(a)	Respondents/SIC and NAICS Codes .....	9
4(b)	Information Requested .....	12
5.	THE INFORMATION COLLECTED--AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT .....	46
5(a)	Agency Activities .....	46
5(b)	Collection Methodology and Management .....	47
5(c)	Small Entity Flexibility .....	47
5(d)	Collection Schedule .....	47
6.	ESTIMATING THE BURDEN AND COST OF THE COLLECTION .....	48
6(a)	Estimating Respondent Burden .....	48
6(b)	Estimating Respondent Costs .....	48
6(c)	Estimating Agency Burden and Cost .....	50
6(d)	Estimating the Respondent Universe and Total Burden and Cost .....	50
6(e)	Bottom Line Burden and Costs .....	72
6(f)	Reasons for Change in Burden .....	73
6(g)	Burden Statement .....	73

## **1. IDENTIFICATION OF THE INFORMATION COLLECTION**

### **1(a) Title and Number of the Information Collection**

This Information Collection Request (ICR) is entitled “Underground Storage Tanks: Technical and Financial Requirements, and State Program Approval Procedures,” EPA ICR Number 1360.06.

### **1(b) Short Characterization**

Subtitle I of the Resource Conservation and Recovery Act (RCRA), as amended, requires that the U.S. Environmental Protection Agency (EPA) develop standards for underground storage tank systems (USTs) as may be necessary to protect human health and the environment, and procedures for approving State programs in lieu of the Federal program. EPA promulgated technical and financial requirements for owners and operators of USTs at 40 CFR Part 280, and State program approval procedures at 40 CFR Part 281.

In Sections 1 through 5 of this ICR, EPA presents a comprehensive description of all of information collection requirements contained at 40 CFR Parts 280 and 281. In Section 6, EPA estimates the total burden and cost to respondent and government associated with these information collection requirements. The ICR presents all 40 CFR Part 280 requirements under the heading “Technical and Financial Requirements” and all 40 CFR Part 281 requirements under the heading “State Program Approval Procedures.”

## **TECHNICAL AND FINANCIAL REQUIREMENTS**

Sections 9002, 9003, and 9004 of RCRA specify statutory requirements for new and existing tanks. Subtitle I directs EPA to develop performance standards covering the following:

- Program scope and interim prohibition;
- UST systems: design, construction, installation, and notification;
- General operating requirements;
- Release detection;
- Release reporting, investigation, and confirmation;
- Release response and corrective action;
- Out-of-service UST systems and closure; and
- Financial responsibility.

The technical and financial requirements for owners and operators of USTs are found in 40 CFR Part 280. A brief summary of the information collection requirements associated with each UST

regulation is provided below. A more specific discussion of the data items and respondent activities associated with each of the information collection requirements is presented in Section 4(b) of this ICR.

### ***Program Scope and Interim Prohibition***

EPA promulgated requirements for deferred UST systems at 40 CFR Part 280, Subpart A. Section 280.11 specifies design requirements for UST systems that are not otherwise subject to the 40 CFR Part 280 regulations. These deferred UST systems must have corrosion protection unless a corrosion expert determines the site to be non-corrosive. The information collection requirements associated with this siting prohibition are contained at 40 CFR 280.11(a) and (b).

### ***UST Systems: Design, Construction, Installation, and Notification***

EPA promulgated the performance standards for new and existing UST systems at 40 CFR Part 280, Subpart B. Sections 280.20(a), (b), and (e) and 280.22 prohibit installation of tanks without corrosion protection unless a corrosion expert has determined that the site is non-corrosive. Owners and operators must install systems properly, complete and submit certification information, and provide notification of all new and existing tank systems. Information collection requirements associated with design, construction, and installation are contained in the following 40 CFR sections:

- Performance Standards for New UST Systems - Tanks and Piping Without Corrosion Protection (§280.20(a) and (b));
- Certification of Installation (280.20(e)); and
- Notification Requirements (280.22).

### ***General Operating Requirements***

EPA promulgated UST general operating requirements at 40 CFR Part 280, Subpart C. In order to comply with these regulations, owners or operators of USTs must conduct tests, and collect, record, and, in some cases, report data to EPA. Information collection requirements associated with the general facility standards are contained in the following 40 CFR sections:

- Operation and Maintenance of Corrosion Protection (§280.31);
- Maintenance of Repair Records (§280.33(f));
- Reporting (§280.34(a));
- Recordkeeping (§280.34(b)); and
- Availability and Maintenance of Records (§280.34(c)).

### ***Release Detection***

EPA promulgated release detection standards at 40 CFR Part 280, Subpart D. Owners and operators must demonstrate the effectiveness of alternative detection systems; inspect and test detection systems in accordance with sections 280.43 and 280.44; and maintain records of all sampling, monitoring, testing, and inspections. The information collection requirements associated with release detection are contained in the following 40 CFR sections:

- Release Detection for Tanks (§280.43);
- Release Detection for Piping (§280.44); and
- Release Detection Recordkeeping (§280.45).

### ***Release Reporting, Investigation, and Confirmation***

EPA promulgated release reporting, investigation, and confirmation standards at 40 CFR Part 280, Subpart E. Owners and operators must report suspected spills, report and immediately clean up spills of 25 gallons or more, and report spills of less than 25 gallons if they cannot be cleaned up within 24 hours. Specific guidelines for reporting and cleanup of spills can be found at sections 280.50 through 280.53. The information collection requirements associated with release reporting and investigation are contained in the following 40 CFR sections:

- Reporting of Suspected Releases (§280.50); and
- Reporting and Cleanup of Spills and Overfills (§280.53).

### ***Release Response and Corrective Action for UST Systems Containing Petroleum or Hazardous Substances***

EPA promulgated release response and corrective action requirements at 40 CFR Part 280, Subpart F. Owners and operators must respond and take corrective action for a release by following procedures described at sections 280.61 through 280.66. Owners and operators must report the spill, investigate the physical release area, investigate the characteristics of the released product, remove the free product, perform soil and groundwater investigations, draw up and conduct corrective action procedures, maintain records, and submit reports on these procedures to the implementing agency. The information collection requirements associated with release response and corrective action are contained in the following 40 CFR sections:

- Initial Response (§280.61(a));
- Initial Abatement Measures Report and Site Check (§280.62(b));
- Initial Site Characterization (§280.63);
- Free Product Removal (§280.64);
- Investigations for Soil and Groundwater Cleanup (§280.65); and
- Corrective Action Plan (§280.66).

### ***Out-of-Service UST Systems and Closure***

EPA promulgated closure and out-of-service standards at 40 CFR Part 280, Subpart G. Owners and operators must conduct an excavation zone assessment and notify the implementing agency if permanently closing a system or changing its service. Records of closed or changed systems must be mailed to the implementing agency or maintained as specified in section 280.74. The information collection requirements associated with UST closure are contained in the following 40 CFR sections:

- Permanent Closure and Changes-In-Service Notification (§280.71(a)); and
- Closure Records (§280.74(c)).

### ***Financial Responsibility***

EPA promulgated financial responsibility standards at 40 CFR Part 280, Subpart H. Owners and operators may choose one method or a combination of several methods to satisfy the financial responsibility requirements of Subpart H. Each method has its own specific submittal or recordkeeping requirements. Generally, each respondent must obtain and keep on file proof of financial assurance. EPA also may require this information to be submitted. The information collection requirements associated with financial responsibility are contained in the following 40 CFR sections:

- Financial Test of Self Assurance (§280.95(b) or (c));
- Guarantee (§280.96);
- Insurance and Risk Retention Group Coverage (§280.97);
- Surety Bond (§280.98);
- Letter of Credit (§280.99);
- Use of State-Required Mechanisms (§280.100);
- State Fund or Other State Assurance (§280.101);
- Trust Fund (§280.102);
- Standby Trust Fund (§280.103);
- Local Government Bond Rating Test (§280.104);
- Local Government Financial Test (§280.105);
- Local Government Guarantee (§280.106);
- Local Government Fund (§280.107);
- Substitution of Financial Assurance Mechanisms by the Owner or Operator (§280.108);
- Cancellation or Nonrenewal by a Provider of Financial Assurance (§280.109);
- Reporting by the Owner or Operator (§280.110);
- Recordkeeping (§280.111);
- Drawing on Financial Assurance Mechanisms (§280.112); and
- Bankruptcy or Other Incapacity (§280.114).

## **STATE PROGRAM APPROVAL PROCEDURES**

Under the authority of section 9004 of RCRA, EPA developed procedures for States to apply for approval to implement a State program in lieu of the Federal program. EPA promulgated regulations at 40 CFR Part 281 in the following subparts:

- Components of a Program Application (Subpart B);
- Adequate Enforcement Compliance (Subpart D);
- Approval Procedures (Subpart E); and
- Withdrawal of Approval of State Programs (Subpart F).

A brief summary of the information collection requirements associated with the State program approval process is provided below. A more specific discussion of the data items and respondent activities associated with each of the information collection requirements is presented in Section 4(b) of this ICR.

### ***Components of a Program Application***

EPA promulgated State program application information requirements at 40 CFR Part 281, Subpart B. A State must gather information, and develop and submit a program application to EPA for review. The application process includes obtaining information from the Governor and Attorney General, and preparing a description of the program. The information collection requirements associated with State program approval are contained in the following 40 CFR sections:

- Transmittal Letter (§281.20(a));
- Description of State Program (§§281.20(b) and 281.21);
- Procedures for Adequate Enforcement (§§281.20(c) and 281.22);
- Memorandum of Agreement (§§281.20(e) and 281.24);
- Attorney General's Statement (§§281.20(f) and 281.25); and
- Copies of Statutes and Regulations (§281.20(g)).

### ***Adequate Enforcement and Compliance***

EPA promulgated enforcement and compliance standards at 40 CFR Part 281, Subpart D. Upon request, a State must submit information from State files regarding the administration of the program. The information collection requirements associated with enforcement and compliance are contained in section 281.43(a), "Sharing of Information."

## ***Approval Procedures***

EPA promulgated approval procedure requirements at 40 CFR Part 281, Subpart E. A State must revise its program to satisfy new requirements. The information collection requirements associated with approval procedures are contained in sections 281.52(a) and (b), “Revision of Approved State Programs.”

## ***Withdrawal of Approval of State Programs***

EPA promulgated requirements for withdrawal of State program approval at 40 CFR Part 281, Subpart F. A State may, at any time, transfer responsibilities by developing and submitting a plan for information transfers. The information collection requirements associated with the withdrawal of a State program are contained in section 281.61(a)(1), “Procedures for Withdrawal of Approval of State Programs.”

## **2. NEED FOR AND USE OF THE COLLECTION**

### **2(a) Need and Authority for the Collection**

This section describes the need and authority for each type of information collection analyzed in this ICR. The ICR covers all aspects of management of UST, owner and operator duties, and States submitting their own programs for approval, to be administered in lieu of the Federal UST program. Without this data collection, releases from leaking tanks, spills, or overfills could go undetected. In general, the UST reporting and recordkeeping requirements are intended to yield valuable information on UST systems and to facilitate prompt action when a release is detected.

## **TECHNICAL AND FINANCIAL REQUIREMENTS**

Subtitle I of RCRA, as amended, contains UST statutory requirements. Section 9002 of RCRA, as amended, directs EPA to promulgate notification requirements for new USTs. Submitted notifications help EPA to track the number and location of new UST tanks and their design specifications. EPA needs to collect this information to ensure that new USTs meet design standards and other requirements.

Section 9003(a) through (c) of RCRA, as amended, directs EPA to promulgate technical regulations for all USTs. The regulations include, but are not limited to, requirements for maintaining records of any monitoring or leak detection system, requirements for reporting releases and corrective actions taken in response to an UST release, and requirements for the closure of tanks. EPA requires this reporting and recordkeeping to facilitate prompt detection of releases and to prevent future releases of regulated substances into the environment.



Section 9003(d) of RCRA, as amended, requires that EPA promulgate regulations for demonstrating financial responsibility for taking corrective action and compensating third parties for bodily injury and property damage caused by sudden and nonsudden accidental releases from USTs. In order to comply with the regulations private owners and operators and local government owners and operators must demonstrate financial responsibility using one or a combination of the mechanisms specified at 40 CFR Part 280, Subpart H. The need for financial responsibility for corrective action and third party liability is evidenced by numerous instances of environmental damage resulting from regulated substances being released from tanks. EPA requires this reporting and recordkeeping to ensure the financial ability of owners and operators of USTs to remediate or pay for damages resulting from releases or leaking tanks.

## **STATE PROGRAM APPROVAL PROCEDURES**

Section 9004 of RCRA, as amended, specifies procedures for States to gain approval to implement their own UST programs in lieu of the Federal program. To receive approval, a State must demonstrate that its program is no less stringent than the Federal UST program and provides adequate enforcement of their regulations.

EPA needs to collect this information to determine whether a State program can sufficiently protect human health and the environment. A State must prove that it has the ability to enforce its UST regulations relating to tank management and operations and in the event of a release.

### **2(b) Practical Utility and Users of the Data**

The data collected for new and existing UST system operations and financial requirements are used by the owners and operators and/or EPA or the implementing agency. Data maintained in records are used to monitor results of testing, inspections, and operations of UST systems, as well as to demonstrate compliance with regulations.

Notifications and submitted information on technical standards or financial assurance are used by EPA or the implementing agency to monitor compliance with UST regulations. The financial information also is used in the event of a release to decide whether funds from the Leaking Underground Storage Tank Trust Fund will be used to pay for corrective action.

EPA uses State program applications to determine whether to approve a State program. Before granting approval, EPA must determine that programs will be no less stringent than the Federal program and contain adequate enforcement mechanisms. EPA uses each part of the program application to determine how the State program corresponds to the Federal program, how the State will administer the program, and how to define and coordinate efforts between EPA and the State.

### 3. NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

#### 3(a) Nonduplication

Most of the information required by the UST regulations is not available from any source but the respondents. To avoid duplicating previous work respondents may draw upon similar analyses in compiling data for UST monitoring, recordkeeping, reporting, and testing requirements, provided the information meets the requirements specified in the regulations.

#### 3(b) Public Notice

In compliance with the Paperwork Reduction Act of 1995, EPA issued a public notice in the *Federal Register* on March 19, 2001 (66 FR 15423). The public comment period extended through May 18, 2001. EPA did not receive any public comments on the ICR draft during the public comment period.

#### 3(c) Consultations

In preparing the respondent burden estimates for this ICR, EPA consulted with the following individuals:

Name of Organization/State Program	Name of Contact Person	Telephone number
Bolger Brothers, Incorporated	Mr. Gary Calvert	(814) 940-6063
JVC, Incorporated	Mr. Coles Marsh	(301) 274-4750
National Association of Convenience Stores (NACS)	Mr. Jeff Leitter Mr. John Eichberger	(202) 342-8490 (703) 684-3600
Petroleum Marketers Association of America (PMAA)	Ms. Melissa Young	(703) 351-8000, Ext. 30
Society of Independent Gasoline Marketers of America (SIGMA)	Mr. Jeff Leitter	(202) 342-8490
Tank Tech	Mr. Bud Mattox	(800) 871-4008
UST Program, Virginia Department of Environmental Quality	Mr. Russell P. Ellison, III	(804) 698-4269

### **3(d) Effects of less Frequent Collection**

EPA has carefully considered the burden imposed upon the regulated community by the technical and financial standards. EPA is confident that those activities required of respondents are necessary, and to the extent possible, has attempted to minimize the burden imposed. EPA believes strongly that if the minimum requirements specified under the regulations are not met, neither the facilities nor EPA can ensure that UST systems are being managed in a manner protective of human health and the environment.

### **3(e) General Guidelines**

This ICR adheres to the guidelines stated in the Paperwork Reduction Act of 1995, OMB's implementing regulations, EPA's *Information Collection Review Handbook*, and other applicable OMB guidance.

### **3(f) Confidentiality**

Section 3007(b) of RCRA and 40 CFR Part 2, Subpart B, which defines EPA's general policy on public disclosure of information, contain provisions for confidentiality. However, the Agency does not anticipate that businesses will assert a claim of confidentiality covering all or part of the requirements covered in this ICR. If such a claim were asserted, EPA must and will treat the information in accordance with the regulations cited above. EPA also will assure that this information collection complies with the Privacy Act of 1974 and OMB Circular 108.

### **3(g) Sensitive Questions**

No questions of a sensitive nature are included in any of the information collection requirements.

## **4. THE RESPONDENTS AND THE INFORMATION REQUESTED**

### **4(a) Respondents/SIC and NAICS Codes**

The following is a list of Standard Industrial Classification (SIC) codes and corresponding North American Industrial Classification System (NAICS) codes associated with industries most likely affected by the information collection requirements covered in this ICR.

SIC Code	SIC Code Description	NAICS Code	NAICS Code Description
2819	Industrial Inorganic Chemicals	211112	Natural Gas Liquid Extraction
		325998	All Other Miscellaneous Chemical Product and Preparation Manufacturing
		331311	Alumina Refining
		325131	Inorganic Dye and Pigment Manufacturing
		325188	All Other Basic Inorganic Chemical Manufacturing
2821	Plastics Materials and Resins	325211	Plastics Material and Resin Manufacturing
2851	Paints and Allied Products	32551	Paint and Coating Manufacturing
2869	Industrial Organic Chemicals	32511	Petrochemical Manufacturing
		325188	All Other Basic Inorganic Chemical Manufacturing
		325193	Ethyl Alcohol Manufacturing
		32512	Industrial Gas Manufacturing
		325199	All Other Basic Organic Chemical Manufacturing
2899	Chemical Preparations	32551	Paint and Coating Manufacturing
		311942	Spice and Extract Manufacturing
		325199	All Other Basic Organic Chemical Manufacturing
		325998	All Other Miscellaneous Chemical Product and Preparation Manufacturing
2911	Petroleum Refining	32411	Petroleum Refineries
3599	Industrial Machinery	336399	All Other Motor Vehicle Parts Manufacturing
		332999	All Other Miscellaneous Fabricated Metal Product Manufacturing
		333319	Other Commercial and Service Industry Machinery Manufacturing
		33271	Machine Shops
		333999	All Other Miscellaneous General Purpose Machinery Manufacturing

SIC Code	SIC Code Description	NAICS Code	NAICS Code Description
3714	Motor Vehicle Parts and Accessories	336211	Motor Vehicle Body Manufacturing
		336312	Gasoline Engine and Engine Parts Manufacturing
		336322	Other Motor Vehicle Electrical and Electronic Equipment Manufacturing
		33633	Motor Vehicle Steering and Suspension Components (except Spring) Manufacturing
		33634	Motor Vehicle Brake System Manufacturing
		33635	Motor Vehicle Transmission and Power Train Parts Manufacturing
		336399	All Other Motor Vehicle Parts Manufacturing
4212	Local Trucking Without Storage	562112	Hazardous Waste Collection
		562119	Other Waste Collection
		48411	General Freight Trucking, Local
		48421	Used Household and Office Goods Moving
		48422	Specialized Freight (except Used Goods) Trucking, Local
4911	Electric Systems	221111	Hydroelectric Power Generation
		221112	Fossil Fuel Electric Power Generation
		221113	Nuclear Electric Power Generation
		221119	Other Electric Power Generation
		221121	Electric Bulk Power Transmission and Control
		221122	Electric Power Distribution
		48621	Pipeline Transportation of Natural Gas
5171	Petroleum Bulk Stations and Terminals	454311	Heating Oil Dealers
		454312	Liquefied Petroleum Gas (Bottled Gas) Dealers
		42271	Petroleum Bulk Stations and Terminals
5511	New and Used Car Dealers	44111	New Car Dealers
5541	Gasoline Service Stations	44711	Gasoline Stations with Convenience Store
		44719	Other Gasoline Stations
7538	General Automotive Repair Shops	811111	General Automotive Repair

**4(b) Information Requested**

In the following paragraphs, EPA describes the UST technical and financial requirements and the State program approval application requirements contained at 40 CFR Parts 280 and 281, respectively.

## **TECHNICAL AND FINANCIAL REQUIREMENTS**

Regulations at 40 CFR Part 280 contain technical and financial requirements for owners and operators of USTs. Part 280 is divided into eight subparts (Subparts A through H). This ICR summarizes the information collection requirements, and associated data items and respondent activities, in the order in which they appear in Part 280, in the following subparts:

- Program Scope and Interim Prohibition (Subpart A);
- UST Systems: Design, Construction, Installation, and Notification (Subpart B);
- General Operating Requirements (Subpart C);
- Release Detection (Subpart D);
- Release Reporting, Investigation, and Confirmation (Subpart E);
- Release Response and Corrective Action for UST Systems Containing Petroleum or Hazardous Substances (Subpart F);
- Out-of-Service UST Systems and Closure (Subpart G); and
- Financial Responsibility (Subpart H).

### ***Program Scope and Interim Prohibition***

#### **(1) Reading the Regulations**

Each owner or operator installing or having a deferred UST system is expected to read the regulations at 40 CFR Part 280, Subpart A.

#### **(2) Deferred UST System Installations**

Interim prohibition requires a new UST system to have corrosion protection if it is deferred from the regulations. Deferrals include UST systems used to store regulated substances in a wastewater treatment tank system, regulated radioactive material system, emergency generator system at a nuclear power facility, airport hydrant fuel distribution systems, or field constructed tank systems for storing a regulated substance unless a corrosion expert finds the site to be relatively non-corrosive. Section 280.11(b) requires owners or operators that have installed an UST system without corrosion protection at sites listed above to maintain records documenting that a corrosion expert determined the site was not corrosive enough to cause the UST to have a release during its operating life. These records of compliance must be maintained for the remaining life of the tank (§280.11(b)).

(i) Data items:

- Records documenting that a corrosion expert determined the site was not corrosive enough to cause the UST to have a release due to corrosion during its operating life.

(ii) Respondent activities:

- Have a corrosion expert inspect the site; and
- Maintain the records demonstrating compliance.

***UST Systems: Design, Construction, Installation, and Notification***

**(1) Reading the Regulations**

Each owner or operator installing or certifying installation of an UST system is expected to read the regulations at 40 CFR Part 280, Subpart B.

**(2) Performance Standards for New UST Systems - Tanks and Piping Without Corrosion Protection**

Tanks and piping in contact with the ground that routinely contain regulated substances must have corrosion protection unless a corrosion expert finds the site to be relatively non-corrosive (§280.20(a) and (b)). Sections 280.20(a)(4)(i) and (ii) and 280.20(b)(3)(i) and (ii) require owners or operators that have installed an UST system with metal tanks and/or piping without corrosion protection to maintain records which state a corrosion expert determined that there is no threat of corrosion to cause the UST to have a release during its operating life. These records of compliance must be maintained for the remaining life of the tank and/or piping (§§280.20(a) and (b)).

(i) Data items:

- Records documenting that a corrosion expert determined that there is no threat of corrosion to cause the UST to have a release during its operating life.

(ii) Respondent activities:

- Have a corrosion expert inspect the site; and
- Maintain the records demonstrating compliance.

### **(3) Certification of Installation**

Section 280.20(e) requires owners and operators to ensure that tanks and piping were installed properly through certification, testing, or inspection. Owners and operators must demonstrate compliance of proper installation methods by providing a certification of compliance on the UST notification form in accordance with section 280.22 (§280.20(e)).

#### **(i) Data item:**

- Certification of compliance of proper installation.

#### **(ii) Respondent activity:**

- Obtain and provide a certification of compliance of proper installation on the notification form.

### **(4) Periodic Lining Inspections**

Section 280.21 establishes requirements for all UST systems that have been upgraded.<sup>1</sup> Section 280.21(b)(1)(ii) requires that all tanks upgraded by internal lining be inspected within ten years after lining, and every 5 years thereafter. The purpose of the inspection is to determine whether the tank is structurally sound and the lining is still performing in accordance with original design specifications.

#### **(i) Data items:**

- Records which show the lined tank to be structurally sound and that the lining is still performing in accordance with original design specifications.

#### **(ii) Respondent Activities:**

- Conduct internal tank inspection within ten years after lining and every five years thereafter; and
- Maintain records.

[NOTE: Although section 280.21(b) does not explicitly require maintenance of inspection records, the regulations do require the use of a code of practice developed by a nationally recognized association or independent testing laboratory in order to comply with the regulations under this section. Because most of these codes of practice require maintenance of inspection records, EPA has burdened respondents

---

<sup>1</sup> Note that all tanks should have been upgraded by December 22, 1998.



with this activity in this ICR. In addition, EPA notes that the Agency may use these inspection records for enforcement purposes.]

## **(5) Notification Requirements**

Section 280.22 describes the notification requirements for new UST systems. All of the information in Sections I through VII of the notification form (see 40 CFR Part 280, Appendix I), or similar State forms used in lieu of the form in Appendix I, must be filled out completely (§280.22). In addition, owners and operators selling an UST must inform the buyer of notification obligations (§280.22(g)).

### **(i) Data items:**

- Completed notification form that includes:
  - A notice of existence for each tank system located at a separate place of operation (§280.22(a) through (d));
  - Certificate of compliance with installation, cathodic protection, financial responsibility, and release detection requirements (§280.22(e) and (f));<sup>2</sup> and
  - Notice to purchaser of an UST of the owner's notification obligations (§280.22(g)).

### **(ii) Respondent activities:**

- Prepare and submit notification form within 30 days of bringing an UST system into use; and
- Notify purchaser of an UST of the owner's notification obligations.

---

<sup>2</sup> Note that this section only burdens respondents for compiling these data items, not for obtaining them. The burden associated with obtaining these data items is covered in other parts of the ICR under section 280.20(e) (certificate of compliance with installation), sections 280.20(a) and (b) (cathodic protection of steel tanks and piping), sections 280.95 through 280.114 (financial responsibility), and sections 280.40 through 280.45 (release detection).

## ***General Operating Requirements***

### **(1) Reading the Regulations**

Each owner or operator maintaining and operating an UST system is expected to read the regulations at 40 CFR Part 280, Subpart C.

### **(2) Operation and Maintenance of Corrosion Protection**

Owners and operators with cathodically-protected steel UST systems must periodically inspect their systems and conduct periodic tests by a qualified cathodic protection tester. Sections 280.31(d)(1) and (2) require owners and operators to maintain records which show compliance with performance standards for UST systems using cathodic protection.

#### **(i) Data items:**

- Records which show compliance with performance standards for UST systems using cathodic protection, including:
  - For all tanks with cathodic protection, results of testing from the last two inspections of the cathodic protection system (§§280.31(b)(1) and (2)); and
  - For tanks using impressed cathodic protection systems, results of the last three inspections of the cathodic protection equipment on UST systems (§280.31(c)).

#### **(ii) Respondent activities:**

- Have a qualified cathodic protection tester conduct the test for all cathodic protection systems within six months of installation, at least every three years thereafter, and within six months of the repair of any cathodically protected UST system (280.33(e));
- Conduct the inspection for impressed current cathodic protection systems every 60 days; and
- Maintain records.

### **(3) Maintenance of Repair Records**

Section 280.33(f) requires owners and operators to maintain records of each repair for the operating life of the UST system. These records must demonstrate that repairs will prevent releases due to structural failure or corrosion as long as the UST system is used to store regulated substances (§280.33(f)).

#### **(i) Data items:**

- Records of each repair for the operating life of the UST system.

#### **(ii) Respondent activities:**

- Gather information on each repair;
- Conduct tightness testing 30 days after repair in accordance with sections 280.43(c) and 280.44(b), except as provided in sections 280.33(d)(1) through 280.33(d)(3) (§280.33(d)); and
- Maintain records.

### **(4) Reporting**

Section 280.34(a) requires owners and operators to cooperate fully with the implementing agency concerning submission of information. Owners and operators must submit to the implementing agency the information gathered and requested in sections 280.20(e), 280.22, 280.50, 280.53, 280.61, 280.62, 280.63, 280.64, 280.65, 280.66, and 280.71. Data items and respondent activities, as well as the associated burden and costs, are specified and covered in each of the respective sections (§280.34(a)).

### **(5) Recordkeeping**

Section 280.34(b) requires owners and operators to cooperate fully with the implementing agency concerning the recordkeeping of information. Owners and operators must maintain the information requested in sections 280.20(a)(4), 280.20(b)(3), 280.31, 280.33(f), 280.45, 280.74. Data items and respondent activities, as well as the associated burden and costs, are specified and covered in each of the respective sections (§280.34(b)).

### **(6) Availability and Maintenance of Records**

Section 280.34(c) requires owners and operators to cooperate fully with the implementing agency concerning the availability and geographic location of records. In the case of a permanently closed site owners and operators may exercise the option of submitting the closure records to the implementing agency (§280.34(c)). This activity is burdened in section 280.74.

## ***Release Detection***

### **(1) Reading the Regulations**

Each owner or operator maintaining and operating a release detection system in an UST system is expected to read the regulations at 40 CFR Part 280, Subpart D.

### **(2) General Requirements for All UST Systems**

Section 280.40 outlines release detection requirements that are applicable to all UST systems. Section 280.40 also provides that, when a release detection method indicates that a release may have occurred, owners and operators must notify the implementing agency in accordance to Subpart E. Data items and respondent activities associated with release detection requirements are covered and burdened under sections 280.43, 280.44, and 280.45. Data items and respondent activities associated with the reporting of suspected releases and the cleanup of spills and overfills are covered and burdened in the subsequent section, “Release Reporting, Investigation, and Confirmation” (40 CFR Part 280, Subpart E).

### **(3) Release Detection for Tanks**

Section 280.43 specifies methods that UST owners and operators may use to meet the release detection requirements for tanks at section 280.41(a). Owners and operators are required to record results of measurements or tests indicating whether a release has or has not occurred.

#### **(i) Data items:**

- Records of inventory control,<sup>3</sup> including the following:
  - Inventory volume measurements for regulated substance inputs, withdrawals, and remaining substance for each operating day (§280.43(a)(1) and (3));

---

<sup>3</sup> If an UST system meets the §§280.20 or 280.21 performance standards, product inventory control or manual tank gauging may be used in conjunction with tank tightness testing every five years until December 22, 1998 or until 10 years after installation or upgrading of the tank, whichever is later (see §280.41(a)(1)). Note that all tanks should have been upgraded or closed by December 22, 1998.

- Records of product dispensing, recorded to local standards for meter calibration or within six cubic inches for every five gallons withdrawn (§280.43(a)(5)); and
  - Records of measurements of any water level in the bottom of the tank, to the nearest one-eighth inch, at least once per month (§280.43(a)(6));
- Records of manual tank gauging,<sup>4</sup> including weekly records of tank liquid level measurements, taken at the beginning and end of a minimum time period during which the contents of the tank are not disturbed (§280.43(b)(1));
- Records of tank tightness testing<sup>5</sup> that demonstrate that testing is capable of detecting a 0.1 gallon per hour leak rate (§280.43(c));
- Records of automatic tank gauging tests, including the following:
  - Monthly automatic product level monitor tests (§280.43(d)(1)); and
  - For automatic tank gauging systems that do not meet the performance standard found in 280.40(a)(3), records of inventory control (or another test of equivalent performance, conducted in accordance with the requirements of section 280.43(a) (§280.43(d)(2));
- Monthly records of vapor monitoring within the soil gas of the excavation zone (§280.43(e));
- Monthly records of ground-water monitoring (§280.43(f));
- Monthly records of interstitial monitoring between the UST system and a secondary barrier immediately around or beneath it (§280.43(g)); and/or
- A demonstration for another release detection method (§280.43(h)(2)); and
- Monthly records of another approved release detection method, if necessary (§280.43(h)(2)).

---

<sup>4</sup> Tanks of over 2,000-gallon capacity may not use this method of release detection (also see previous footnote).

<sup>5</sup> Tank tightness testing may be used in conjunction with inventory control or manual tank gauging (see previous footnotes).

(ii) Respondent activities:

- If using inventory control, record delivery, dispensing, and inventory measurements each operating day, reconcile measurements monthly, record monthly water level measurements, and perform tank tightness testing;<sup>6</sup>
- If using manual tank gauging with tank tightness testing, record two consecutive tank liquid level measurements at the beginning and ending of a minimum time period each week, reconcile measurements monthly, and perform tank tightness testing;<sup>7</sup>
- If using manual tank gauging only (i.e., without tank tightness testing), record two consecutive tank liquid level measurements at the beginning and ending of a minimum time period each week and reconcile measurements monthly;
- If using automatic tank gauging, record results of monthly automatic product level monitoring tests and, if necessary, daily inventory volume measurements;
- If using vapor monitoring, record results of monthly vapor monitoring;
- If using ground-water monitoring, record results of monthly ground-water monitoring;
- If using interstitial monitoring, record results of monthly interstitial monitoring; and/or
- If wishing to use an alternative technology, prepare and submit a demonstration for an alternative release detection method and, if necessary, record monthly results.

---

<sup>6</sup> If an UST system meets the §§280.20 or 280.21 performance standards, product inventory control may be used in conjunction with tank tightness testing every five years until December 22, 1998 or until 10 years after installation or upgrading of the tank, whichever is later (see §280.41(a)(1)). Note that all tanks should have been upgraded or closed by December 22, 1998.

<sup>7</sup> If an UST system meets the §§280.20 or 280.21 performance standards, manual tank gauging may be used in conjunction with tank tightness testing every five years until December 22, 1998 or until 10 years after installation or upgrading of the tank, whichever is later (see §280.41(a)(1)). Note that all tanks should have been upgraded or closed by December 22, 1998.

#### **(4) Release Detection for Piping**

Section 280.44 specifies methods that UST owners and operators may use to meet the release detection requirements for piping at section 280.41(b). Owners and operators are required to maintain the following types of measurement records to demonstrate compliance.

(i) Data items:

- Records of an annual automatic line leak detector test conducted according to the manufacturer's requirements (§280.44(a)); and either,
- Records from a line tightness test conducted per section 280.44(b); or
- Records from any of the methods identified in sections 280.43(e) through (h) (as described above for tanks) if they are designed to detect a release from any portion of the underground piping that routinely contains regulated substances (§280.44(c)). [Burden associated with this requirement is already covered in the Release Detection for Tanks subsection above.]

(ii) Respondent activities:<sup>8</sup>

- Conduct annual test of the operation of the automatic line leak detector in accordance with the manufacturer's requirements; and either,
- Record results of an annual line leak detector test; or
- Record results of monthly monitoring.

#### **(5) Release Detection Recordkeeping**

Section 280.45 requires that owners and operators maintain records which contain information about each release detection system in place at an UST system.

(i) Data items:

---

<sup>8</sup> Based on program experience, EPA believes that the majority of the lines are pressurized piping and the minority of the lines are suction lines. However, EPA was unable to estimate the number of pressurized piping and suction lines used. Therefore, this ICR assumes that all lines used are pressurized piping. Because suction piping systems do not have to comply with certain leak detection requirements, this ICR overestimates the burden for this section.

- All written performance claims about any system used, and the way the claims were justified or tested by the manufacturer or installer (§280.45(a));
- Results of any sampling, testing or monitoring (§280.45(b));
- Written documentation of all calibration, maintenance, and repair of any release detection system located permanently on site (§280.45(c)); and
- Any schedule of required calibration and maintenance provided by the equipment manufacturer (§280.45(c)).

(ii) Respondent activities:

- Maintain records for the periods of time as follows:
  - Performance claims - five years from date of installation, unless implementing agency advises otherwise;
  - Sampling, testing or monitoring results - one year unless implementing agency advises otherwise, except for tank tightness testing, in which case records are to be maintained until the next test is conducted;
  - Documentation of all calibrations, maintenance, and repairs - one year after servicing was completed, unless implementing agency advises otherwise; and
  - Manufacturer calibration and maintenance schedules - five years from date of installation.

### ***Release Reporting, Investigation and Confirmation***

#### **(1) Reading the Regulations**

Each owner or operator suspecting or detecting that a release has occurred in an UST system is expected to read the regulations at 40 CFR Part 280, Subpart E.

#### **(2) Reporting of Suspected Releases**

Section 280.50 requires owners and operators to report within 24 hours to the implementing agency if a release is suspected and the release exceeds 25 gallons (or for hazardous substances that exceed the reportable quantity), or if a smaller release cannot be cleaned up within 24 hours.



(i) Data items:

- Information on a discovery of released regulated substances at the UST site or surrounding area (§280.50(a));
- Information on unusual operating conditions, unless system equipment is found to be defective but not leaking, and is immediately repaired (§280.50(b)); and
- Monitoring results from a release detection method required under sections 280.41 and 280.42 that indicate a release may have occurred, unless (1) a monitoring device is found to be defective, and upon repair, re-calibration, or replacement, does not confirm a release, or (2) a second month of data from inventory control does not confirm the initial result (§280.50(c)(1) and (2)).

(ii) Respondent activities:

- Gather information on the suspected release; and
- Report the suspected release.

**(3) Reporting and Cleanup of Spills and Overfills**

Sections 280.53(a) through (b) require owners and operators to immediately contain and cleanup a spill or overfill, and to report certain releases. Owners and operators must report to the implementing agency within 24 hours, or another reasonable time period specified by the implementing agency, in the following cases:

- Spill or overfill that results in a release to the environment that exceeds 25 gallons or another reasonable amount as specified by the implementing agency, or that causes a sheen on nearby surface water (§280.53(a)(1)); and
- Spill or overfill of a hazardous substance that equals or exceeds its reportable quantity under CERCLA (40 CFR Part 302) (§280.53(a)(2)).

In addition, owners and operators must contain and immediately cleanup a spill or overfill of petroleum that is less than 25 gallons or another reasonable amount specified by the implementing agency, and a spill of a hazardous substances that is less than the reportable quantity.

If clean up cannot be accomplished within 24 hours, or another reasonable time period specified by the implementing agency, owners and operators must immediately notify the implementing agency.

(i) Data items:

- Report on spill or overfill that exceeds 25 gallons or equals or exceeds a reportable quantity under CERCLA; and
- Notification of spill or overfill of less than 25 gallons, if it cannot be cleaned up within 24 hours.

(ii) Respondent activities:

- Report spill or overfill within 24 hours if over 25 gallons or the reportable quantity; and
- Notify the implementing agency if unable to cleanup a spill less than 25 gallons or the reportable quantity.

***Release Response and Corrective Action for UST Systems Containing Petroleum or Hazardous Substances***

**(1) Reading the Regulations**

Each owner or operator responding to and reporting on a release in an UST system is expected to read the regulations at 40 CFR Part 280, Subpart F.

**(2) Initial Response**

Upon confirmation of a release in accordance with section 280.52 or another procedure, owners and operators must conduct initial response actions within 24 hours of a release or within another reasonable time period determined by the implementing agency. The initial response is a release report, which may be submitted to the implementing agency by telephone or electronic mail (§280.61(a)).

(i) Data item:

- Release report.

(ii) Respondent activities:

- Report the release to the implementing agency (e.g., by telephone or electronic mail).

### **(3) Initial Abatement Measures Report and Site Check**

Section 280.62(b) requires owners and operators to submit within 20 days, or another reasonable period of time determined by the implementing agency, a report summarizing initial abatement steps taken and any resulting information or data in accordance with §280.62(a).

#### **(i) Data item:**

- Report on initial abatement steps and resulting information or data.

#### **(ii) Respondent activities:**

- Gather information during initial abatement; and
- Prepare and submit a summary report of initial abatement steps.

### **(4) Initial Site Characterization**

Section 280.63 requires owners and operators to assemble information about the site and the nature of the release, including information from initial abatement measures in sections 280.60 and 280.61. Under §280.63(b), the information collected must be submitted to the implementing agency within 45 days of the release confirmation or another reasonable period of time determined by the implementing agency, in a manner that demonstrates its applicability and technical adequacy, or in a format and according to the schedule required by the implementing agency.

#### **(i) Data items:**

- Data on the nature and estimated quantity of release (§280.63(a)(1));
- Data on surrounding populations, water quality, use and locations of wells, subsurface soil conditions, locations of subsurface sewers, climatological conditions, and land use (§280.63(a)(2));
- Results of the site check under section 280.62(a)(5) (§280.63(a)(3)); and
- Results of free product investigations under section 280.62(a)(6) (§280.63(a)(4)).

#### **(ii) Respondent activities:**

- Gather information for the initial site characterization; and

- Prepare and submit information per implementing agency instructions.

### **(5) Free Product Removal**

Section 280.64 requires owners and operators to remove free product to the maximum extent practicable if investigations under section 280.62(a)(6) indicate that removal is warranted. Under §280.64(d), owners and operators must assemble information and prepare and submit a free product removal report within 45 days after confirmation of a release.

#### **(i) Data items:**

- Names of people responsible for free product removal measures (§280.64(d)(1));
- Estimated quantity, type and thickness of free product observed or measured (§280.64(d)(2));
- Type of recovery system used (§280.64(d)(3));
- Location of discharge, if any (§280.64(d)(4));
- Type of treatment applied to, and effluent quality expected from, any discharge (§280.64(d)(5));
- Steps that have been or are being taken to obtain permits for discharges (§280.64(d)(6)); and
- Disposition of recovered free product (§280.64(d)(7)).

#### **(ii) Respondent activities:**

- Gather information for free product removal report; and
- Prepare and submit report.

### **(6) Investigations for Soil and Groundwater Cleanup**

Section 280.65 requires owners and operators to conduct investigations of soil and groundwater if any of the following conditions exist: (1) evidence that groundwater wells have been affected; (2) free product is found; (3) there is evidence of contaminated soils in contact with groundwater; or (4) potential effects of soil or groundwater on nearby surface water and groundwater resources. Under §280.65(b), owners and operators must submit information covering the release, the release site, and the area affected by the release after investigating the impacts of the release on the soils

and groundwater. The information must be collected and submitted within a reasonable time established by the implementing agency if the conditions in sections 280.65(a)(1) through (4) exist.

(i) Data item:

- Information on soil and groundwater impacts of release.

(ii) Respondent activities:

- Gather information from soil and groundwater cleanup investigations; and
- Submit collected information.

**(7) Corrective Action Plan**

Section 280.66 specifies corrective action requirements for USTs. The implementing agency may require owners and operators to submit additional information or a corrective action plan for responding to contaminated soils or groundwater. Upon approval, owners and operators must implement the plan, and report the results of implementation. In addition, in order to keep contamination at a site to a minimum, owners and operators may begin cleanup prior to plan approval by notifying the implementing agency of the intention to begin cleanup and including the cleanup measures in the corrective action plan, provided they comply with any conditions imposed by the implementing agency and incorporate self-initiated cleanup measures into the corrective action plan.

(i) Data items:

- Additional information or a corrective action plan for responding to contaminated soils or ground water;
- Notification of commencing cleanup prior to obtaining corrective action plan approval; and
- A report on the results of implementing the plan.

(ii) Respondent activities:

- Prepare and submit a corrective action plan or additional information;
- If applicable, notify the implementing agency of early cleanup; and
- Report the results of implementing the plan.

## ***Out-of-Service UST Systems and Closure***

### **(1) Reading the Regulations**

Each owner or operator closing or changing service at an UST system is expected to read the regulations at 40 CFR Part 280, Subpart G.

### **(2) Permanent Closure and Changes-in-Service Notification**

Section 280.71(a) requires that owners and operators notify the implementing agency of any decision to permanently close or make a change-in-service at an UST system. The notification must be made at least 30 days prior to beginning permanent closure or change-in-service actions. After notifying, but before completing a closure or change-in-service, the owner or operator must complete an excavation zone assessment under section 280.72(a).

#### **(i) Data item:**

- Notification of close or change-in-service at an UST system.

#### **(ii) Respondent activities:**

- Notify the implementing agency of permanent closure or a change-in-service; and
- Conduct excavation zone assessment.

### **(3) Closure Records**

Section 280.74 requires owners and operators to maintain records in accordance with section 280.34 that are capable of showing compliance with closure requirements. Owners and operators also are required to maintain result of the excavation zone assessment required in section 280.72 for at least three years after completion of permanent closure or change-in-service.

#### **(i) Data items:**

- Records showing compliance with closure requirements (§280.74).

#### **(ii) Respondent activities:**

- Maintain closure records after permanent closure or a change-in-service for at least three years after the results of the excavation zone assessment are obtained; or

- Mail the records to the implementing agency if the records cannot be maintained at the closed UST site.

### ***Financial Responsibility***

40 CFR Part 280, Subpart H financial requirements apply to all owners of petroleum USTs, except those exempted in sections 280.10(b) and (c), as specified by section 280.90(d). Owners of existing USTs, except for local government entities, were required to comply with the financial requirements by the dates specified in section 280.91.

An owner or operator may use any one or combination of the mechanisms listed in sections 280.95 through 280.103 to demonstrate financial responsibility. In addition to these options, a local government operator may use any one or a combination of the mechanisms listed in sections 280.104 through 280.107. Each of these options is described in detail below in Subsections (2) through (14). [Note: This ICR aggregates the burden associated with each of these financial mechanisms; the reporting burden for financial requirements is presented under section 280.110, and the recordkeeping burden is presented under section 280.111.]

#### **(1) Reading the Regulations**

Each affected UST owner or operator is expected to read the regulations at 40 CFR Part 280, Subpart H.

#### **(2) Financial Test of Self Assurance**

Section 280.95 outlines the procedures for a financial test of self assurance as a means of satisfying the financial responsibility requirements. Owners and operators have the option of meeting the criteria specified in either section 280.95(b) or 280.95(c).

##### **(i) Data items:**

The section 280.95(b) criteria require the following data items:

- A letter signed by the Chief Financial Officer (CFO), worded exactly as in section 280.95(d) (§280.95(b)(3)); and
- Annual financial statements (§280.95(b)(4)(i)) or annual tangible net worth statements (§280.95(b)(4)(ii)).

The section 280.95(c) criteria require the following data items:

- Fiscal year-end financial statements of the owner or operator, or the guarantor, and an independent certified public accountant (CPA) report (§280.95(c)(2));
- A letter signed by the CFO, worded exactly as in section 280.95(d) (§280.95(c)(4)); and
- A special report from an independent CPA, if annual financial statements were not submitted to the SEC, Energy Information Administration, or Rural Electrification Administration (§280.95(c)(5)).

The implementing agency also may require the following data items to be submitted at any time:

- Reports of financial condition (§280.95(f)); and
- A notification of failure to find alternate financial assurance, if the owner or operator cannot find such assurance within 150 days of finding that he or she cannot meet the requirements of the financial test, or within 30 days of notice from the implementing agency (§280.95(g)).

(ii) Respondent activities:

- Obtain and keep on file a signed and dated letter from the CFO;
- File financial statements annually with the U.S. Securities and Exchange Commission, Energy Information Administration, or Rural Electrification System; or report annually the tangible net worth to Dun and Bradstreet; and
- Maintain current financial condition records.

Owners and operators demonstrating the financial test under section 280.95(c) must conduct the following activities:

- Have an independent CPA examine financial statement and prepare a report;
- Obtain and keep on file a signed and dated letter from the CFO;
- Obtain a special report from an independent CPA if annual financial statements were not submitted to the SEC, Energy Information Administration, or Rural Electrification Administration; and
- Maintain current financial condition records.



Owners and operators also may have to perform the following activities:

- Submit current financial condition reports, if requested by the implementing agency; and
- Notify implementing agency within 10 days if owner or operator fails to obtain alternative financial assurance within 150 days of discovering, or within 30 days of being notified by the implementing agency, that he or she no longer meets the financial test.

[NOTE: This ICR covers the burden associated with these activities under section 280.110 (reporting) and section 280.111 (recordkeeping).]

### **(3) Guarantee**

Section 280.96 outlines the procedures for obtaining a guarantee as a means of satisfying the financial responsibility requirements.

#### **(i) Data items:**

- A letter from the CFO of the guarantor, as worded in section 280.95(d) (§280.96(a));
- A guarantee, as specified in section 280.96(c); and
- A standby trust agreement worded exactly as in section 280.103(b) (§280.96(d)). [The trust agreement is burdened subsequently in this ICR.]

#### **(ii) Respondent activities:**

- Obtain and keep on file a letter from the CFO of the guarantor; and
- Obtain and keep on file a guarantee from the guarantor.

[NOTE: This ICR covers the burden associated with these activities under section 280.111 (recordkeeping).]

### **(4) Insurance and Risk Retention Group Coverage**

Section 280.97 outlines the procedures for a obtaining liability insurance as a means of satisfying the financial responsibility requirements.

(i) Data item:

- Insurance or risk retention group coverage policy with endorsement amendment (§§280.97(a) through (b)).

(ii) Respondent activity:

- Obtain and keep on file an insurance or risk retention group coverage policy.

[NOTE: This ICR covers the burden associated with this activity under section 280.111 (recordkeeping).]

**(5) Surety Bond**

Section 280.98 outlines the procedures for a obtaining surety bond as a means of satisfying the financial responsibility requirements.

(i) Data items:

- A surety bond worded exactly as in section 280.98(b); and
- A standby trust agreement worded exactly as in section 280.103(b) (§280.98(d)). [The trust agreement is burdened subsequently in this ICR.]

(ii) Respondent activity:

- Obtain and keep on file a copy of the surety bond.

[NOTE: This ICR covers the burden associated with this activity under section 280.111 (recordkeeping).]

**(6) Letter of Credit**

Section 280.99 outlines the procedures for a obtaining a letter of credit as a means of satisfying the financial responsibility requirements.

(i) Data items:

- An irrevocable standby letter of credit worded exactly as in section 280.99(b); and

- A standby trust agreement worded exactly as in section 280.103(b) (§280.99(c)). [The trust agreement is burdened subsequently in this ICR.]

(ii) Respondent activity:

- Maintain and keep on file the irrevocable standby letter of credit.

[NOTE: This ICR covers the burden associated with this activity under section 280.111 (recordkeeping).]

## **(7) Use of State-Required Mechanisms**

Section 280.100 allows UST owners and operators in States without program approval to satisfy the requirements of section 280.93 by using a State-required financial mechanism, if approved by the EPA Region. The owner or operator, State, or any other party must develop a submission.

(i) Data items:

- A written petition requesting that one or more of the State-required mechanisms be considered for meeting section 280.93 requirements (§280.100(c));
- Copies of State statutory and regulatory requirements and amounts of funds for coverage (§280.100(c)); and
- Additional information, as deemed necessary by the Region (§280.100(c)).

(ii) Respondent activities:

- Prepare and submit the petition package; and
- Retain a copy of the petition package.

[NOTE: This ICR covers the burden associated with these activities under section 280.110 (reporting) and section 280.111 (recordkeeping).]

## **(8) State Fund or Other State Assurance**

Section 280.101 allows UST owners and operators in States without program approval to satisfy the requirements of section 280.93 by using a State fund or other State assurance, if approved by the EPA Region. To satisfy the requirements of section 280.93, the owner or operator must obtain from the State a letter or certificate.

(i) Data item:

- A letter or certificate issued by the State containing: (1) the facility's name and address and (2) the amount of funds for corrective action and/or for compensating third parties that is assured by the State (§280.101(d)).

(ii) Respondent activity:

- Obtain and keep on file a letter or certificate from the State.

[NOTE: This ICR covers the burden associated with this activity under section 280.111 (recordkeeping).]

**(9) Trust Fund**

Section 280.102 outlines the procedures for using a trust fund as a means of satisfying the financial responsibility requirements.

(i) Data items:

- A trust agreement worded exactly as in section 280.103(b)(1), accompanied by formal certification of acknowledgment as specified in section 280.103(b)(2) (§280.102(b)); and
- If the value of the trust fund is greater than the required amount of coverage, or if other financial assurance is substituted, a written request for the release of excess funds (§§280.102(d) through (e)).

(ii) Respondent activities:

- Prepare and keep on file the trust agreement and formal certification of acknowledgment; and
- Prepare and submit written request for release of excess funds, if applicable.

[NOTE: This ICR covers the burden associated with these activities under section 280.110 (reporting) and section 280.111 (recordkeeping).]

**(10) Standby Trust Fund**

Section 280.103 outlines the procedures for using a standby trust fund as a means of satisfying the financial responsibility requirements. Owners and operators using mechanisms described in sections

280.96, 280.98, and 280.99 must establish a standby trust fund in addition to satisfying the other requirements of those sections.

(i) Data items:

- A trust agreement worded exactly as in section 280.103(b)(1) accompanied by formal certification of acknowledgment as specified in section 280.103(b)(2).

(ii) Respondent activity:

- Prepare and keep on file the standby trust fund agreement and any amendments.

[NOTE: This ICR covers the burden associated with this activity under section 280.111 (recordkeeping).]

**(11) Local Government Bond Rating Test**

Section 280.104 states that a general purpose local government owner or operator and/or a local government as a guarantor may satisfy the requirements of section 280.93 by having outstanding issues of bonds of \$1 million dollars or more.

(i) Data items:

- A copy of the owner or operator's bond rating of the past 12 months by Moody's or Standard and Poor's (§280.104(c));
- A letter from the CFO exactly as stated in section 280.104(d) for a general purpose local government owner or operator and/or guarantor, or as stated in section 280.104(e) for a non-general purpose local government owner or operator and/or guarantor; and
- Current records of financial condition (§280.104(f)).

(ii) Respondent activities:

- Maintain current copy of bond ratings;
- Prepare and keep on file a signed letter from the CFO; and
- If requested, prepare and submit records of current financial conditions.

[NOTE: This ICR covers the burden associated with these activities under section 280.110 (reporting) and section 280.111 (recordkeeping).]

## **(12) Local Government Financial Test**

Section 280.105 states that a local government UST owner or operator may satisfy the requirements of section 280.93 by passing a financial test.

### **(i) Data items:**

- Financial statements for the latest completed fiscal year with information on the following (§280.105(b)(1)):
  - Total revenues;
  - Total expenditures;
  - Local revenues;
  - Debt service;
  - Total funds; and
  - Population served by the local government.
- Letter from CFO exactly as stated in section 280.105(c) (§280.105(b)(3));
- Current records of financial condition (§280.105(e)); and
- Notice within ten days of failure to obtain alternate assurance, if the owner or operator no longer meets the financial test requirements (§280.105(f)).

### **(ii) Respondent activities:**

- Maintain a copy of the financial statements for the last completed fiscal year;
- Prepare and keep on file a signed letter from the CFO;
- If requested, prepare and submit records of current financial conditions;
- Notify implementing agency within ten days if owner or operator fails to obtain alternative financial assurance within 150 days of discovering, or within 30 days of being notified by the implementing agency, that he or she no longer meets the financial test requirements.

[NOTE: This ICR covers the burden associated with these activities under section 280.110 (reporting) and section 280.111 (recordkeeping).]

### **(13) Local Government Guarantee**

A local government owner or operator may satisfy the requirements of section 280.93 by obtaining a guarantee as specified in section 280.106. The guarantor must be the State in which the local government owner or operator is located or a local government having a “substantial governmental relationship” with the owner of operator.

#### **(i) Data items:**

- A demonstration of meeting the bond rating test of section 280.104 and a copy of the CFO letter in section 280.104(c) (§280.106(a)(1)); or
- A demonstration of meeting the worksheet test requirements of section 280.105 and a copy of the CFO letter in section 280.105(c) (§280.106(a)(2)); or
- A demonstration of meeting the local government fund requirements of section 280.107(a), 280.107(b), or 280.107(c) and a copy of the CFO letter in section 280.107 (§280.106(a)(3));
- If necessary, a notice of inability to demonstrate financial assurance (§280.106(b)); and
- Guarantee worded exactly as stated in section 280.106(d) or (e), depending on which of the alternative guarantee arrangements is selected (§280.106(c)).

#### **(ii) Respondent activities:**

- Prepare and keep on file a demonstration meeting the requirements of section 280.104, 280.105, or 280.107(a) through (c) and a signed letter from the CFO;
- If necessary, prepare and submit a notice of inability to meet financial assurance requirements; and
- Obtain and keep on file a guarantee agreement.

[NOTE: This ICR covers the burden associated with these activities under section 280.110 (reporting) and section 280.111 (recordkeeping).]

#### **(14) Local Government Fund**

Section 280.107 states that a local government owner or operator may satisfy the requirements of section 280.93 by establishing a dedicated fund account. The fund is dedicated to pay for corrective action and for compensating third parties in the event of accidental releases from petroleum USTs.

##### **(i) Data items:**

- A signed letter from the local government's CFO and/or guarantor, worded exactly as stated in section 280.107(d);
- A copy of the constitutional provision or local government statute, charter, ordinance, or order dedicating the fund (§280.107(d) and §280.111(b)(9)(i));
- Year-end financial statements for the most recent year, and the previous year's balance, if applicable (§280.107(d) and §280.111(b)(9)(ii)); and
- If an owner or operator is using incremental funding backed by bonding authority, results of a voter referendum or an attestation by the State Attorney General (§280.107(c)(2) and §280.111(b)(9)(iii)).

##### **(ii) Respondent activities:**

- Obtain and keep on file a signed letter(s) from the CFO and/or the guarantor;
- Maintain a copy of the statute or other mandate dedicating the fund;
- Maintain all year-end financial statements; and
- Maintain documentation of the bonding authority, including either the results of a voter referendum or attestation by the State Attorney General;

[NOTE: This ICR presents the burden associated with these activities under section 280.111 (recordkeeping).]

#### **(15) Substitution of Financial Assurance Mechanisms by the Owner or Operator**

Section 280.108(b) states that an owner or operator may cancel a financial assurance mechanism after obtaining alternate financial assurance.



(i) Data item:

- Notice to the provider of the original financial assurance (§280.108(b)).

(ii) Respondent activity:

- Prepare and submit to the original financial assurance provider a notice of alternate financial assurance.

[NOTE: This ICR covers the burden associated with this activity under section 280.110 (reporting) and section 280.111 (recordkeeping).]

**(16) Cancellation or Nonrenewal by a Provider of Financial Assurance**

A provider of financial assurance may cancel or fail to renew an assurance mechanism according to the procedures outlined in section 280.109. The data item associated with such an action is a notice of termination, which is submitted to the UST owner or operator. If alternate financial coverage is not obtained within 60 days of being notified of the termination, owners or operators must inform the implementing agency of the failure to obtain coverage.

(i) Data items:

- Notice of termination to UST owner or operator (§280.109(a));
- Notice of failure to obtain alternate coverage to the implementing agency;
  - Name and address of the provider of financial assurance (§280.109(b)(1));
  - Effective date of the termination (§280.109(b)(2)); and
  - Evidence of the financial assurance mechanism subject to termination (§280.109(b)(3)).

(ii) Respondent activities:

- Prepare and submit a notice of termination;
- Prepare and submit to the implementing agency a notification if unable to obtain alternate coverage within 60 days of receiving a notice of termination.

**(17) Reporting**

Section 280.110 establishes financial responsibility reporting requirements for owners and operators who: (1) identify a reportable UST release; or (2) fail to obtain alternative coverage.

(i) Data items:

- Report of the appropriate forms listed in section 280.111(b).

(ii) Respondent activities:

- Gather and submit forms listed in section 280.111(b) to the implementing agency documenting current evidence of financial responsibility.

**(18) Recordkeeping**

Section 280.111(b)(11) requires an owner or operator to maintain an updated copy of a certification of financial responsibility, as worded in section 280.111(b)(11)(i).

(i) Data item:

- Record of updated certification of financial responsibility.

(ii) Respondent activities:

- Prepare and keep on file a certification of financial responsibility; and
- Update the certification whenever the financial assurance mechanism is modified.

[NOTE: This is the only recordkeeping requirement under section 280.111 that is not covered elsewhere in this ICR Supporting Statement. All other recordkeeping requirements under section 280.111 (i.e., 40 CFR 280.111(b)(1)-(b)(10)) are covered under each section of the regulations in which the paperwork is generated.]

**(19) Bankruptcy or Other Incapacity**

Section 280.114 sets forth notification requirements regarding bankruptcy or other incapacities for UST owners and operators, and providers of financial assurance. Data items associated with these requirements must be submitted within ten days after commencement of bankruptcy proceedings:

(i) Data items:

- For owners and operators, a notification to the implementing agency of commencement of bankruptcy proceedings and forms listed in section 280.111(b) documenting current financial responsibility (§280.114(a));
- For financial assurance providers, a notice to the UST owner or operator of commencement of bankruptcy proceedings as required under the terms of the guarantee specified in section 280.96 (§280.114(b));
- For local government owners and operators, a notification to the implementing agency of commencement of bankruptcy proceedings and forms documenting current financial responsibility (§280.114(c));
- For local government financial assurance providers, a notice to the local government owner or operator of commencement of bankruptcy proceedings and forms documenting current financial responsibility (§280.114(d)); and
- For owners and operators who are unable to obtain alternate financial assurance within 30 days after receiving notice of bankruptcy from a provider, a notice to the implementing agency of such failure (§280.114(e)).

(ii) Respondent activities:

- Prepare and submit a notification within ten days of commencement of bankruptcy procedures; and
- If necessary, prepare and submit a notification of inability to obtain alternate financial assurance within 30 days.

## **STATE PROGRAM APPROVAL PROCEDURES**

Regulations at 40 CFR Part 281 contain State program approval procedures for States that wish to administer their own UST programs in lieu of the Federal program. A State must obtain approval for its program from the Federal agency administering the program. Part 281 is divided into six subparts (i.e., Subparts A through F), four of which contain information collection requirements. This ICR summarizes the information collection requirements, and the associated data items and respondent activities, in the order in which they appear in Part 281, in the following subparts:

- Components of a Program Application (Subpart B);
- Adequate Enforcement of Compliance (Subpart D);
- Approval Procedures (Subpart E); and
- Withdrawal of Approval of State Programs (Subpart F).

## ***Components of a Program Application***

### **(1) Reading the Regulations**

Prior to the submittal of a State program application, each State is expected to obtain and read all of the relevant Federal regulations 40 CFR Part 281, Subpart B regarding the State program approval process and any other relevant UST regulations.

### **(2) Transmittal Letter**

Section 281.20(a) states that any State seeking to administer its own UST program must submit in its application a transmittal letter from the Governor of the State requesting program approval (§281.20(a)).

#### **(i) Data item:**

- Transmittal letter from the Governor of the State requesting program approval (§281.20(a)).

#### **(ii) Respondent activities:**

- Obtain a transmittal letter from the Governor's office; and
- Submit the letter to the implementing agency.

### **(3) Description of State Program**

Sections 281.20(b) and 281.21 state that any State seeking to administer its own UST program must submit in its application a description of the program the State plans to implement in place of the Federal program.

#### **(i) Data items:**

- The scope of the program, including whether (§281.21(a)):
  - Regulation is for UST systems containing petroleum or hazardous substances, or both;
  - The program is more stringent or broader in scope than the Federal program, and in what ways; and

-- The State has jurisdiction over Indian lands or agreements with Indian tribes.

- Organization and structure of State and local agencies responsible for administering the program (§§281.21(b));
- State staff resources for execution of the program (§§281.21(c)); and
- Existing State funding mechanisms to meet the cost of administering the program (§§281.21(d)).

(ii) Respondent activity:

- Prepare and submit the description of the program.

#### **(4) Procedures for Adequate Enforcement**

Section 281.22 states that any State seeking to administer its own UST program must submit in its application a description of compliance monitoring and enforcement policies and procedures, including judicial review procedures (§§281.22, 281.20(c)).

(i) Data item:

- Description of compliance monitoring and enforcement policies and procedures, including judicial review procedures (§§281.22 and 281.20(c)).

(ii) Respondent activity:

- Gather and submit information on compliance monitoring and enforcement procedures.

#### **(5) Memorandum of Agreement**

Section 281.24 states that any State seeking to administer its own UST program must negotiate with EPA areas of coordinated effort and responsibilities.

(i) Data item:

- A Memorandum of Agreement concerning roles and responsibilities of EPA and the State (§§281.24 and 281.20(e)).

(ii) Respondent activities:

- Negotiate an MOA with EPA; and
- Prepare and submit the MOA with the program application.

**(6) Attorney General's Statement**

Section 281.25 states that any State seeking to administer its own UST program must submit a written demonstration from the Attorney General stating that the laws of the State are sufficiently stringent to enforce the State program proposed. The statement must include citations to statutes, regulations, judicial decisions, and analysis of any State authority to regulate USTs on Indian lands (§§281.25 and 281.20(f)).

(i) Data item:

- Written demonstration from the Attorney General stating that the laws of the State are sufficiently stringent to enforce the proposed State program, including citations to statutes, regulations, judicial decisions, and analysis of any State authority to regulate USTs on Indian lands (§§281.25 and 281.20(f)).

(ii) Respondent activity:

- Draft and submit the statement from the Attorney General.

**(7) Copies of Statutes and Regulations**

Section 281.20(g) states that any State seeking to administer its own UST program must submit in its application copies of all applicable State statutes and regulations (§281.20(g)).

(i) Data item:

- Copies of all applicable State statutes and regulations (§281.20(g)).

(ii) Respondent activities:

- Research and gather statutes and regulations; and
- Submit copies as a part of the application.

## ***Adequate Enforcement and Compliance***

### **(1) Reading the Regulations**

Any State sharing information about its program is expected to read the regulations at 40 CFR Part 281, Subpart D.

### **(2) Sharing of Information**

Section 281.43(a) requires States with approved programs to furnish to EPA, at any time, information in State files on the administration of the program, including data on enforcement and compliance under section 281.40. This includes information submitted to the State with or without a claim of confidentiality (§281.43(a)).

#### **(i) Data item:**

- Information on program administration, including data on enforcement and compliance under section 281.40.

#### **(ii) Respondent activities:**

- Maintain files and current information on program administration; and
- Submit information to EPA, if requested.

## ***Approval Procedures***

### **(1) Reading the Regulations**

Each State that is revising its program is expected to read the regulations at 40 CFR Part 281, Subpart E.

### **(2) Revision of Approved State Programs**

Sections 281.52(a) through (b) specifies program revision requirements which may be initiated by either the EPA or the approved State.

#### **(i) Data items:**

- Notification of changes in the State program that may require a revision of the approved program; and

- A revised application, if requested by EPA.
- (ii) Respondent activities:
- Collect and submit information on changes in regulations or shifts in responsibilities; and
- Prepare and submit revised application, if instructed by EPA.

### ***Withdrawal of Approval of State Programs***

#### **(1) Reading the Regulations**

Each State withdrawing its program is expected to read the regulations at 40 CFR Part 281, Subpart F.

#### **(2) Procedures for Withdrawal of Approval of State Programs**

A State with an approved program may transfer voluntarily any responsibilities required by Federal law (§281.61(a)(1)).

- (i) Data items:
- A notice of the transfer to be given to EPA; and
- A plan for orderly information transfers from the State to EPA of all program information.
- (ii) Respondent activities:
- Gather information;
- Prepare and submit transfer notification; and
- Develop and submit a plan for information transfer between the State and EPA at least 90 days before the transfer occurs.

## **5. THE INFORMATION COLLECTED--AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT**



The following section discusses how EPA or the implementing agency will collect and manage the information received from respondents. This section also includes a discussion of how EPA has taken steps to ensure that the information collections are not overly burdensome on small entities.

#### **5(a) Agency Activities**

### **TECHNICAL AND FINANCIAL REQUIREMENTS**

Most information required of UST owners and operators is maintained in records at the facility and is only formally submitted to EPA or the implementing agency if requested. This analysis assumes that the Agency will spend a minimal amount of time reviewing these data during facility inspections.

This ICR assumes that EPA or the implementing agency reviews and files submitted information, including notification forms; site, chemical property, and health information; information on suspected releases, spills, or overfills; site characterizations; abatement procedure information; free product information; soil and ground water information; corrective action plans and implementation reports; and applicable financial assurance information. Much of the information listed above is also entered into a database for the purposes of recordkeeping and analysis.

EPA or the implementing agency must notify owners and operators of approval or disapproval of corrective action plans. The implementing agency also is responsible for conducting public involvement activities, such as notifying the public of a release or failure to sufficiently remediate a release. EPA or the implementing agency also must notify owners and operators if they fail to meet the requirements of financial assurance at any time.

### **STATE PROGRAM APPROVAL PROCEDURES**

States applying for program approval must follow procedures at 40 CFR Part 281. EPA must review and file program applications and all associated information, as described in section 281.50. EPA must determine approval or disapproval for all new or revised State program applications. EPA is required to issue public notice of all decisions and consider public comments. EPA must issue public notice of any transfer of program responsibilities. EPA also must inform a State with an approved program if EPA is planning to take enforcement action against violators of the UST regulations.

#### **5(b) Collection Methodology and Management**

In collecting and analyzing the information associated with this ICR, EPA will use a state-of-the-art telephone system, electronic equipment such as personal computers, and applicable database and modeling software. EPA will ensure the accuracy and completeness of the collected information by reviewing each submittal. EPA will enter the information obtained into a database and aggregate data to monitor the UST program.

### **5(c) Small Entity Flexibility**

In promulgating the UST regulations covered under this ICR, EPA attempted to minimize the reporting and recordkeeping burden for small businesses. In addition, EPA provided flexibility to small and medium-sized owners and operators of petroleum USTs for meeting financial responsibility requirements in order to reduce burden and cost to these groups.

### **5(d) Collection Schedule**

## **TECHNICAL AND FINANCIAL REQUIREMENTS**

EPA or the implementing agency collect information on a one-time, on-going, or special circumstance basis. EPA or the implementing agency collects various types of data according to the following schedules:

- *One-time collections:* Notification forms, certificates of compliance with corrosion protection and system installation, alternative technology information and demonstrations, excavation zone assessments, closure records or change-in-service forms.
- *Special circumstance collections:* Release reporting and response information, including site information and characterization, chemical property, and health information, abatement reports, free product removal reports, soil and ground water investigation information, corrective action plans, and implementation reports.

## **STATE PROGRAM APPROVAL PROCEDURES**

States applying for program approval submit most of their information in a one-time application, but also must submit additional information if requested by EPA. EPA collects all submitted information according to the following frequency:

- *One-time collections:* Complete program application and associated information and revised application.
- *Special circumstance collections:* Withdrawal of approval of State program information, transfer of program information and plans for the transfer of program responsibilities.

## **6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION**

### **6(a) Estimating Respondent Burden**

EPA estimated respondent burden and cost associated with all of the requirements covered in this ICR in Exhibits 1 and 2. Exhibit 1 covers information collections related to UST technical and financial requirements. Exhibit 2 covers information collections associated with State program approvals. The exhibits include the number of hours required to conduct each information collection activity and the cost associated with each requirement.

## **6(b) Estimating Respondent Costs**

### **Labor Costs**

Table 1 shows the estimated average hourly labor cost (including overhead and fringe), by labor category, for facilities, contractors, and States.<sup>9</sup> These labor rates were used to calculate the labor cost to all respondents in conducting the reporting and recordkeeping activities covered in this ICR, as shown in Exhibits 1 and 2.

**Table 1**  
**Average Hourly Respondent Labor Cost, by Labor Category**

<b>Respondent</b>	<b>Legal</b>	<b>Managerial</b>	<b>Technical</b>	<b>Clerical</b>
Facilities	\$102	\$73	\$53	\$27
Contractors	Not Applicable	\$78	\$52	\$35
States	\$102	\$73	\$53	\$27

To obtain hourly labor costs for facilities and States, EPA consulted the *Handbook of U.S. Labor Statistics, Second Edition*,<sup>10</sup> and the EPA report *Estimating Costs for the Economic Benefits of RCRA Noncompliance*.<sup>11</sup> These publications summarize the unloaded (base) hourly rate for various labor categories in U.S. firms. EPA then applied an overhead factor of 2.3 for non-legal

---

<sup>9</sup> Note that, for purposes of this ICR, States are considered *respondents* when they submit documents to EPA to satisfy applicable 40 CFR regulations (e.g., applying for EPA approval of State program). States are considered *regulators* when administering a regulatory program, e.g., receiving UST release reports from facilities.

<sup>10</sup> EPA obtained the data from Table 3-2 “Wage Ranges of Average (Mean) Wages by Occupation.” The book was edited by Eva Jacobs, and was published in 1998 by Bernan Press.

<sup>11</sup> The report was authored by U.S. EPA, RCRA Enforcement Division, Office of Regulatory Enforcement, and was published in February 1997.

staff and 3.0 for legal staff to derive their loaded hourly rates.<sup>12</sup> Finally, EPA confirmed these estimates through consultations with trade associations and State UST Programs. See Section 3(c) of this ICR for a list of organizations contacted by EPA.

To obtain hourly labor costs for contractors, EPA consulted with various contractors and trade associations. (See Section 3(c) of this ICR for a list of contractors contacted by EPA.) Based on these consultations, EPA used the Massachusetts' UST Petroleum Product Cleanup Fund Reimbursement Fee Schedule to estimate hourly labor costs.<sup>13</sup> Note that contractor labor costs for legal staff were not estimated as no legal work is expected to be performed by contractors.

### **Capital Costs**

Capital costs usually include any produced physical good needed to provide the needed information, such as machinery, computers, and other equipment. For this ICR, capital costs include the cost of monitoring equipment for facilities that choose to comply with release detection requirements by using either vapor monitoring, ground-water monitoring, or interstitial monitoring methods. These capital costs are shown in Exhibit 1, and are further described in Section 6(d).

### **Operation & Maintenance Costs**

Operation and maintenance (O&M) costs are those costs associated with a paperwork requirement incurred continually over the life of the ICR. They are defined by the Paperwork Reduction Act of 1995 as “the recurring dollar amount of costs associated with O&M or purchasing services.” For this ICR, O&M costs include photocopying (i.e., \$0.10 per page) and postage (i.e., \$3.00 per submittal), and purchase of contractor or lab services (e.g., \$125 per line leak detector tests). These O&M costs are shown in Exhibits 1 and 2, and are further described in Section 6(d).

### **6(c) Estimating Agency Burden and Cost**

EPA estimates annual Agency burden hours and costs associated with all of the requirements covered in this ICR in Exhibits 3 and 4. Based on the General Schedule (GS) Salary Table 2000, EPA

---

<sup>12</sup> Based on the report *Estimating Costs for the Economic Benefits of RCRA Noncompliance*. The report was authored by U.S. EPA, RCRA Enforcement Division, Office of Regulatory Enforcement, and was published in February 1997.

<sup>13</sup> The Massachusetts' UST Petroleum Product Cleanup Fund was established by Massachusetts General Law Chapter 21J (MGL c21J). The purpose of MGL c21J is to prevent the need for environmental cleanup actions and to expedite environmental cleanup actions by providing partial reimbursement to owners and operators of UST systems for costs, expenses, and other obligations incurred as a result of releases of petroleum products from USTs.

estimates an average hourly labor cost of \$67.44 for legal staff (GS-15, Step 5), \$42.80 for managerial staff (GS-13, Step 1), \$30.03 for technical staff (GS-11, Step 1), and \$18.26 for clerical staff (GS-6, Step 1). To derive these hourly estimates, EPA multiplied the basic hourly rates by the standard government overhead factor of 1.6. These labor rates were used to calculate Agency costs associated with the activities covered in this ICR, as shown in Exhibits 3 and 4.

#### **6(d) Estimating the Respondent Universe and Total Burden and Cost**

##### **Respondent Universe**

### **TECHNICAL AND FINANCIAL REQUIREMENTS**

Table 2 presents the estimated UST universe over the three years covered by this ICR. As shown in the table, there will be an average of 681,667 existing USTs in operation over the period covered by this ICR. EPA also estimates that each year owners and operators will close an average of 35,000 USTs and install an average of 30,000 new USTs. EPA estimates that a portion of the new USTs will be installed at new facilities (i.e., facilities that have not operated USTs in the past, 1.79 percent of total facility universe), with the remainder of new USTs installed at existing UST facilities.

**Table 2**  
**Estimated UST Universe**

	<b>Year 2002</b>	<b>Year 2003</b>	<b>Year 2004</b>	<b>Average</b>
<b>Underground Storage Tanks</b>				
Existing USTs	685,000	680,000	680,000	681,667
New USTs installed	30,000	30,000	30,000	30,000
USTs closed	40,000	35,000	30,000	35,000
<b>Facilities with Underground Storage Tanks<sup>a</sup></b>				
Existing facilities	258,500	256,500	256,500	257,167
New facilities	4,453	4,774	4,868	4,698

<sup>a</sup> Number of facilities was estimated based on the assumption that, on average, there are 2.65 USTs per facility.

### **STATE PROGRAM APPROVAL PROCEDURES**

Table 3 presents the estimated number of States expected to seek and obtain EPA program approval during the three-year period covered by this ICR. It shows that EPA expects three States, on average, to seek program approval each year.

**Table 3**  
**Annual Number of States Expected to Receive**  
**EPA Program Approval During the Period Covered by the ICR**

	Number of State Program Approvals per Year			Average Annual Number of State Program Approvals During 2002 to 2004
	Year 2002	Year 2003	Year 2004	
State Program Approvals	4	3	1	3

### **Total Hour and Cost Burden**

## **TECHNICAL AND FINANCIAL REQUIREMENTS**

40 CFR Part 280 subjects owners and operators of USTs to technical and financial requirements. Information collecting, reporting, and recordkeeping may be required on a one-time, on-going, or special circumstance basis. The remainder of this subsection describes how EPA arrived at each of the respondent estimates contained in Exhibit 1.

### ***PROGRAM SCOPE AND INTERIM PROHIBITION***

EPA expects all owners and operators of deferred UST systems to equip them with corrosion protection if these systems are constructed of steel. Therefore, EPA expects that no owners or operators will have to read this part of the regulations, have a corrosion expert assess their sites, or maintain records.

### ***UST SYSTEMS: DESIGN, CONSTRUCTION, INSTALLATION, AND NOTIFICATION***

Newly regulated facilities will read the design, construction, installation, and notification regulations. Thus, each year an average of 4,698 facilities will perform this activity (see Table 2).

EPA expects all owners and operators to equip UST systems with corrosion protection if these systems are constructed of steel. Therefore, EPA expects that no owners or operators will have a corrosion expert assess their sites or will have to maintain records.

EPA expects owners and operators to prepare and submit a certificate of installation and a notification for each new UST system installed. Thus, EPA expects an average of 30,000 notifications each year will be submitted (see Table 2).

EPA estimates that approximately five percent of existing tanks (i.e.,  $0.05 \times 681,667 = 34,083$ )

have been upgraded by internal lining. EPA expects all owners and operators of these UST systems to inspect their tanks within ten years after lining and every five years thereafter. Thus, EPA estimates that, on average, 6,817 tanks (i.e.,  $34,083/5 = 6,817$ ) will be inspected each year during the period covered by this ICR. Owners and operators of lined tanks also are expected to maintain inspection records.<sup>14</sup>

EPA believes that tank owners and operators will incur additional O&M costs for tank interior lining inspection. The O&M cost for tank interior lining inspection is \$1,350, which includes a \$1,250 contractor fee for conducting the inspection and \$100 to cover the cost of the tank being out-of-service for one day (i.e., lost profit).

EPA estimates that five percent of USTs (i.e.,  $681,667 \times 0.05 = 34,083$  USTs) are sold each year. Owners and operators selling an UST must inform the buyer of his or her notification obligations.

### ***GENERAL OPERATING REQUIREMENTS***

Newly regulated facilities (4,698 annually) will read the regulations on general operating requirements.

In addition, owners and operators of steel USTs with cathodic protection are required to have their cathodic protection systems tested within six months of installation and once every three years thereafter. EPA estimates that, each year, approximately 45 percent of existing and new USTs (i.e.,  $0.45 \times (681,667 + 30,000) = 320,250$ ) will be protected by cathodic systems.<sup>15</sup> Thus, EPA estimates that a total of 106,750 activities (i.e.,  $320,250/3 = 106,750$ ) will be conducted each year during the three-year period covered by this ICR.

EPA estimates that of the 320,250 USTs with cathodic protection, 70 percent (224,175 USTs) will be protected by sacrificial anode cathodic systems and 30 percent (96,075 USTs) will be protected by impressed current cathodic systems. Owners and operators of impressed current cathodic systems must conduct inspections every 60 days (i.e., six times per year). Typically there is one impressed current system per site that needs to be inspected. Therefore, EPA estimates that

---

<sup>14</sup> Although section 280.21(b) does not explicitly require maintenance of inspection records, the regulations do require the use of a code of practice developed by a nationally recognized association or independent testing laboratory in order to comply with the regulations under this section. Because most of these codes of practice require maintenance of inspection records, EPA has burdened respondents with this activity in this ICR. In addition, EPA notes that the Agency may use these inspection records for enforcement purposes.

<sup>15</sup> Based on EPA's best professional judgment.

217,528 activities (i.e.,  $(96,075 \text{ USTs} / 2.65 \text{ USTs per facility}) \times 6 = 217,528$ ) will be conducted each year.

Facilities will have to maintain records of all cathodic protection system tests conducted over the three-year period covered in this ICR (i.e., 106,750).<sup>16</sup> In addition, facilities with USTs protected by impressed current cathodic systems will have to maintain the results of the last three inspections of the cathodic protection equipment (i.e.,  $(3/6) \times 217,528 = 108,764$ ). Thus, facilities will have to maintain a total of 215,514 records (i.e.,  $106,750 + 108,764 = 215,514$ ) associated with the inspection of cathodic protection systems.

EPA expects facilities to incur O&M costs through the use of certified contractors paid to test tanks' cathodic protection system. This ICR does not cover the capital cost for purchasing rectifiers for impressed current systems because such equipment is purchased as a standard business practice to monitor tank performance.

Owners and operators also are required to maintain records for each repair made to an UST system. EPA estimates that 0.50 percent of USTs will be repaired each year, for a total of 3,558 repairs per year. EPA believes that tank owners and operators will incur additional O&M costs for tank and line inspections associated with tightness testing. The O&M cost for tightness testing is \$675, which includes a \$450 contractor fee for performing the test, \$100 to cover the cost of the tank being out-of-service for one day (i.e., lost profit), and an estimated \$125 for the tightness test.

[NOTE: Sections 280.34(a) and (b) respectively summarize reporting and recordkeeping requirements for UST owners and operators and cross reference the 40 CFR Part 280 sections that describe these requirements in detail. This ICR burdens these reporting and recordkeeping activities in each of the respective sections.]

## ***RELEASE DETECTION***

Owners and operators must have a compliant leak detection system installed at each UST. Section 280.43 describes acceptable methods and required maintenance activities. Owners and operators must record the results of tests or measurements at prescribed intervals. Table 4 presents EPA's estimates of the number of owners and operators choosing each detection system option and the information collection requirements associated with each option.

---

<sup>16</sup> Under section 280.31(b), facilities are required to maintain records of the last two inspections of the cathodic protection system, which are conducted every three years. This ICR assumes that one of these two inspections will be conducted by facilities during the three-year period covered in this ICR. The ICR further assumes that the other inspection was already conducted, and that the results are already being maintained by the facilities.



All 4,698 owners and operators of new UST facilities are expected to read the release detection regulations.<sup>18</sup>

Since the methodologies set forth under inventory control, manual tank gauging, and automatic tank gauging (§280.43(a) through (c)) describe activities that UST operators perform as standard business practices, they are not burdened in this ICR. The Agency expects that all of the facilities using inventory control and facilities using manual tank gauging with tank tightness testing will perform the tank tightness test every five years (i.e.,  $(177,917 + 17,792)/5 = 39,142$ ). EPA expects all tanks will be tested every five years because the 1998 deadline required the shutdown of all tanks for which annual testing is required. EPA estimates that facilities will incur contractor related O&M costs of \$550 for the cost of performing each tank tightness test. This O&M cost includes a \$450 contractor fee for performing the test and \$100 to cover the cost of the tank being out-of-service for one day (i.e., lost profit).

**Table 4**  
**Leak Detection Systems Installed at USTs**

---

<sup>18</sup> EPA expects that owners and operators of existing UST facilities have already read the release detection regulations at 40 CFR Part 280, Subpart D.

<b>Leak Detection System</b>	<b>Estimated Percent of USTs Using System<sup>a</sup></b>	<b>Estimated Number of USTs Using System<sup>b</sup></b>	<b>Associated Information Collection Requirement(s) and Collection Frequencies</b>
Inventory control and tightness testing	25%	177,917	Record daily inventory volume measurements (standard business practice; therefore, there is no incremental labor burden); record monthly water level measurements (standard business practice; there is no incremental labor burden)
Manual tank gauging with tank tightness testing	2.5%	17,792	Record two consecutive weekly tank liquid level measurements, taken at the beginning and end of a minimum time period (standard business practice; there is no incremental labor burden)
Manual tank gauging only (i.e., without tank tightness testing)	2.5%	17,792	Record two consecutive weekly tank liquid level measurements, taken at the beginning and end of a minimum time period (standard business practice; there is no incremental labor burden)
Automatic tank gauging	30%	213,500	Record results of monthly automatic product level monitoring; record results of daily inventory control tests (automated activity; therefore there is no incremental labor burden)
Vapor monitoring	5%	35,583	Record results of monthly vapor monitoring [426,996 (i.e., 35,583 x 12) activities per facility]
Ground-water monitoring	5%	35,583	Record results of monthly ground-water monitoring [426,996 (i.e., 35,583 x 12) activities per facility]
Interstitial monitoring	15%	106,750	Record results of monthly interstitial monitoring [1,281,000 (i.e., 106,750 x 12) activities]
Other method (e.g. statistical inventory reconciliation)	15%	106,750	No activities specified in the Federal regulations. However, the implementing agency may specify certain activities to be conducted by owner or operator (e.g., record test results).
Total	100%	711,667	Not Applicable

<sup>a</sup> Based on data obtained from ten State databases, recent study on Hawaii's USTs, meetings with inspectors, and discussions with industry.

<sup>b</sup> Includes rounding error.

Those facilities that choose to comply with release detection requirements by using either vapor monitoring, ground-water monitoring, or interstitial monitoring methods will incur capital costs for monitoring equipment.<sup>19</sup> The cost of a vapor monitoring system (control box with sensors), assuming an average of four 20-foot deep wells, amounts to an estimated \$733 per *facility*.<sup>20</sup> The cost of a ground-water monitoring system is estimated at \$469 per *facility*.<sup>21</sup> The cost of an interstitial monitoring system (control box with sensors), including installation costs, is approximately \$384 per *tank*.<sup>22</sup> Maintenance of the monitoring sensors is not considered a significant cost because maintenance of the sensors is inexpensive.

EPA expects that facilities that use vapor monitoring, ground-water monitoring, or interstitial monitoring will use these technologies to detect releases from piping as well as tanks. Facilities using inventory control, manual tank gauging, or automatic tank gauging are expected to use line leak detection to detect leaks from piping. Thus, facilities are expected to conduct an annual line leak detector test on 427,001 tanks (i.e.,  $177,917 + 17,792 + 17,792 + 213,500 = 427,001$ ). In conjunction with line leak detector tests, EPA estimates facilities will incur O&M costs of \$125 per test. The cost of purchasing line leak detectors is not accounted for in this ICR because these are considered a standard business practice.

EPA expects that owners and operators of all 261,865 UST facilities will maintain records of their test and measurement results regardless of the release detection method used.

## ***RELEASE REPORTING, INVESTIGATION, AND CONFIRMATION***

EPA estimates that each year, all 4,698 new UST owners and operators will read the regulations. EPA also estimates that each year, 9,792 owners and operators will suspect that a release has occurred from one of their USTs.<sup>23</sup> These owners and operators will gather information and submit a report on the suspected release. EPA estimates that 80 percent of these owners or operators (7,833) will determine that a release has indeed occurred. These owners and operators also must report spills or overfills that exceed 25 gallons of petroleum or the reportable quantity of hazardous waste. Spills and overfills of lesser quantities must be reported if a facility is unable to clean up the spill within 24 hours. EPA estimates that 1,000 such spills will occur each year.

---

<sup>19</sup> Capital costs were annualized over 20 years (i.e., expected life of equipment) using OMB's approved annual discount rate of seven percent.

<sup>20</sup> Prior to discounting, purchase price is estimated at \$7,770.

<sup>21</sup> Prior to discounting, purchase price is estimated at \$4,970.

<sup>22</sup> Prior to discounting, purchase price is estimated at \$4,069.

<sup>23</sup> These data are based on historical tank release records maintained by EPA.

When characterizing a suspected leak, EPA believes that facilities will incur contractor-related O&M costs associated with basic soil characterization work and lab analysis activities.

### ***RELEASE RESPONSE AND CORRECTIVE ACTION FOR UST SYSTEMS CONTAINING PETROLEUM OR HAZARDOUS SUBSTANCES***

EPA estimates that each year all 4,698 new UST owners and operators will read the regulations on release response. All 7,833 facilities confirming a release of more than 25 gallons must report information on the release. These facilities also must gather information and prepare and submit reports on initial abatement measures and initial site characterization. EPA assumes that facilities will incur O&M costs in preparing a summary report of the initial abatement steps based on information obtained from initial characterization activities. This activity could require additional sampling and analysis depending on the scope of the problem. EPA assumes that facilities will incur contractor-related O&M costs in gathering, preparing, and submitting information for the initial site characterization, as this activity often requires sampling well borings and laboratory analyses.

EPA estimates that initial investigations at 20 percent of these facilities (1,567 facilities) will determine the presence of free product. These facilities must prepare and submit a free product removal report, thereby incurring contractor-related O&M costs.

EPA also estimates that initial investigations at 40 percent of facilities with confirmed releases (3,133 facilities) will demonstrate that soil and ground-water investigations are warranted. These facilities are expected to gather information and prepare and submit a report. Facilities will incur further contractor-related O&M costs preparing soil and groundwater investigation reports. Additional characterization work could be required depending on the scope of the release and the geology of the site.

EPA estimates that initial investigations at 30 percent of facilities with confirmed releases (2,350 facilities) will demonstrate that corrective action is warranted. These facilities must prepare and submit a corrective action plan and report on the results of corrective action implementation. EPA estimates that ten percent of these facilities (235 facilities) will notify the implementing agency that they will begin corrective action before they receive corrective action plan approval. The Agency believes that facilities will incur contractor-related O&M costs when preparing a corrective action plan and reporting (quarterly) the results of a corrective action implementation plan.

### ***OUT-OF-SERVICE UST SYSTEMS AND CLOSURE***

EPA estimates that each year, all 4,698 new UST owners and operators will read the out-of-service UST systems and closure regulations.

EPA estimates that owners and operators will close 35,000 USTs each year (see Table 2). Owners of these USTs must notify the implementing agency of closure, conduct an excavation zone assessment, and maintain closure records.

EPA estimates that facilities will incur contractor-related O&M costs when conducting a site assessment of an excavation zone. EPA further estimates that 10 percent of these facilities will not be able to maintain their records on site. These 3,500 facilities must mail their closure records to the implementing agency each year.

## ***FINANCIAL RESPONSIBILITY***

EPA estimates that each year all 4,698 new UST owners and operators will read the financial responsibility regulations.

40 CFR Part 280, Subpart H requires owners and operators to demonstrate financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental UST releases. A current certificate of financial responsibility must be maintained at each site where USTs are located.<sup>24</sup> According to recent EPA data, approximately 80 percent of UST facilities (209,492 facilities) demonstrate financial responsibility through a State fund or other State assurance, with the remaining 20 percent of owners and operators (52,373 facilities) using one or more of the other mechanisms described in 40 CFR Part 280, Subpart H. All 261,865 facilities will have to perform the respondent activities associated with their financial responsibility mechanism, as described in Section 4 of this ICR, and keep on file a certification of financial responsibility. [NOTE: This ICR covers the burden associated with these activities under section 280.110 (reporting) and section 280.111 (recordkeeping).]

In addition to maintaining financial responsibility records, an estimated 7,833 facilities will submit their records to EPA or the implementing agency under section 289.110(b) as a result of a release. EPA also expects five percent of the overall universe of facilities (13,093 facilities) to update the certification each year to reflect changes in their financial assurance mechanism.

EPA estimates that providers of financial assurance will cancel or fail to renew policies at two percent of UST facilities (5,237 facilities) each year. EPA also estimates that 10 percent of those owners or operators experiencing a cancellation or non-renewal (524 facilities) will be unable to obtain alternative financial coverage within 60 days and will notify the implementing agency of such failure.

---

<sup>24</sup> While EPA has burdened the requirement to obtain financial assurance annually, it is expected that all existing UST owners and operators have already read the financial responsibility regulations. Therefore, this ICR burdens only owners and operators of new UST facilities (4,698 per year).

EPA estimates that each year an additional two percent of UST facilities (5,237 facilities) will experience a disruption in financial coverage due to the bankruptcy of their financial provider. EPA estimates that 10 percent of those owners or operators experiencing such a disruption (524 facilities) will be unable to obtain alternative financial coverage within 60 days and will notify the implementing agency of such failure.

## **STATE PROGRAM APPROVAL PROCEDURES**

40 CFR Part 281 outlines procedures that States must follow to obtain approval to implement their own UST program in lieu of the Federal program. Based on recent program data, EPA estimates that approximately nine States and territories will apply for State program approval over the next three years (i.e., three States or territories per year).

All three States applying for State program approval each year must submit an application to EPA for review under section 281.50. The application includes a transmittal letter, a description of the State program, information on enforcement procedures, a memorandum of agreement with EPA, an Attorney General's statement, and copies of State statutes and regulations.

All approved programs must maintain files and current information on program administration. Additionally as there are currently 33 approved programs, an average of 39 programs (i.e.,  $(37 + 40 + 41)/3$ ), assuming that three programs receive program approval annually) will maintain files on program administration. Finally, EPA estimates that three State per year will be asked to submit this information.

EPA does not expect any States to submit revised program applications. EPA also does not expect any States to withdraw or transfer portions of their programs.

**EXHIBIT 1**  
**ANNUAL ESTIMATED RESPONDENT BURDEN AND COST**  
**TECHNICAL AND FINANCIAL REQUIREMENTS**

	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Legal	Managerial	Technical	Clerical	Respon.	Labor	Capital/	O&M	Number	Total	Total
INFORMATION COLLECTION ACTIVITY	Hours	Hours	Hours	Hours	Hours/	Cost/	Startup	Costs/	of	Hours/	Cost/
					Activity	Activity	Costs per	Activity	Respon.	Year	Year
									or		
									Activ.		
<b>PROGRAM SCOPE AND INTERIM PROHIBITION</b>											
<b>Reading the Regulations</b>											
Read the regulations	0.25	0.25	0.25	0.25	1.00	\$63.75	\$0.00	\$0.00	0	0	\$0
<b>Deferred UST System Installations (280.11(a))</b>											
Have a corrosion expert inspect the site	0.00	2.00	0.00	0.00	2.00	\$146.00	\$0.00	\$400.00	0	0	\$0
Maintain records	0.00	0.00	0.00	0.10	0.10	\$2.70	\$0.00	\$0.10	0	0	\$0
<b>Subtotal</b>	varies	varies	varies	varies	varies	varies	varies	varies	varies	0	\$0
<b>UST SYSTEMS: DESIGN, CONSTRUCTION, INSTALLATION, AND NOTIFICATION</b>											
<b>Reading the Regulations</b>											
Read the regulations	0.25	0.25	0.50	0.00	1.00	\$70.25	\$0.00	\$0.00	4,698	4,698	\$330,035
<b>Performance Standards for New UST Systems - Tanks and Piping Without Corrosion Protection (280.20(a) and (b))</b>											
Have a corrosion expert inspect the site - Facility	0.00	2.00	0.00	0.00	2.00	\$146.00	\$0.00	\$400.00	0	0	\$0
Have a corrosion expert inspect the site - Contractor	0.00	4.00	22.00	11.00	37.00	\$1,841.00	\$0.00	\$0.00	0	0	\$0
Maintain records	0.00	0.00	0.00	0.10	0.10	\$2.70	\$0.00	\$0.10	0	0	\$0
<b>Certification of Installation (280.20(e))</b>											
Obtain and provide a certification of compliance of proper installation on the notification form	0.00	0.50	1.00	0.50	2.00	\$103.00	\$0.00	\$0.00	30,000	60,000	\$3,090,000
<b>Periodic Lining Inspections (280.21)</b>											
Conduct internal tank inspection within ten years after lining and every five years thereafter - Contractor	0.00	0.00	6.00	0.00	6.00	\$318.00	\$0.00	\$1,350.00	34,083	204,498	\$56,850,444
Maintain records	0.00	0.00	0.00	0.10	0.10	\$2.70	\$0.00	\$0.10	34,083	3,408	\$95,432
<b>Notification Requirements (280.22)</b>											
Prepare and submit forms within 30 days of bringing an UST system into use	0.00	0.00	0.50	0.00	0.50	\$26.50	\$0.00	\$3.00	30,000	15,000	\$885,000
Notify purchaser of an UST of owner's notification obligations	0.25	0.25	0.50	0.25	1.25	\$77.00	\$0.00	\$3.00	34,083	42,604	\$2,726,640
<b>Subtotal</b>	varies	varies	varies	varies	varies	varies	varies	varies	varies	330,208	\$63,977,551

**EXHIBIT 1**  
**ANNUAL ESTIMATED RESPONDENT BURDEN AND COST**  
**TECHNICAL AND FINANCIAL REQUIREMENTS**

	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Legal	Managerial	Technical	Clerical	Respon.	Labor	Capital/	O&M	Number	Total	Total
	Hours	Hours	Hours	Hours	Hours/	Cost/	Startup	Costs/	of	Hours/	Cost/
INFORMATION COLLECTION ACTIVITY	Hours	Hours	Hours	Hours	Activity	Activity	Costs per	Activity	Respon.	Year	Year
GENERAL OPERATING REQUIREMENTS											
<b>Reading the Regulations</b>											
Read the regulations	0.25	0.25	0.50	0.00	1.00	\$70.25	\$0.00	\$0.00	4,698	4,698	\$330,035
<b>Operation and Maintenance of Corrosion Protection (280.31)</b>											
Have a qualified tester conduct inspection for all cathodic protection systems within six months of installation, at least every three years thereafter, and within six months of the repair of any cathodically protected system	0.00	0.10	0.15	0.00	0.25	\$15.25	\$0.00	\$244.00	106,750	26,688	\$27,674,938
Conduct inspection for impressed current cathodic protection systems every 60 days	0.00	0.10	0.15	0.00	0.25	\$15.25	\$0.00	\$0.00	217,528	54,382	\$3,317,302
Maintain records	0.00	0.00	0.00	0.10	0.10	\$2.70	\$0.00	\$0.10	215,514	21,551	\$603,439
<b>Maintenance of Repair Records (280.33)</b>											
Gather information on each repair	0.00	0.00	1.00	0.00	1.00	\$53.00	\$0.00	\$0.00	3,558	3,558	\$188,574
Conduct tightness testing 30 days after repair	0.00	0.25	0.15	0.25	0.65	\$32.95	\$0.00	\$675.00	3,558	2,313	\$2,518,886
Maintain records	0.00	0.00	0.00	0.10	0.10	\$2.70	\$0.00	\$0.10	3,558	356	\$9,962
<b>Subtotal</b>	varies	varies	varies	varies	varies	varies	varies	varies	varies	113,545	\$34,643,136
<b>RELEASE DETECTION</b>											
<b>Reading the Regulations</b>											
Read the regulations	0.50	0.50	1.00	0.00	2.00	\$140.50	\$0.00	\$0.00	4,698	9,396	\$660,069
<b>Release Detection for Tanks (280.43)</b>											
<b>Inventory Control</b>											
Record delivery, dispensing and inventory measurements on a daily basis	0.00	0.00	0.25	0.00	0.25	\$13.25	\$0.00	\$0.00	0	0	\$0
Record monthly water level measurements, reconcile measurements monthly	0.00	0.00	0.00	0.50	0.50	\$13.50	\$0.00	\$0.00	0	0	\$0
Perform tank tightness testing	0.00	0.25	0.15	0.25	0.65	\$32.95	\$0.00	\$550.00	35,583	23,129	\$20,743,343
<b>Manual Tank Gauging with Tank Tightness Testing</b>											
Record monthly water level measurements, reconcile measurements monthly	0.00	0.00	0.00	0.50	0.50	\$13.50	\$0.00	\$0.00	0	0	\$0
Record weekly tank liquid level measurements	0.00	0.00	0.00	0.05	0.05	\$1.35	\$0.00	\$0.00	0	0	\$0



**EXHIBIT 1**  
**ANNUAL ESTIMATED RESPONDENT BURDEN AND COST**  
**TECHNICAL AND FINANCIAL REQUIREMENTS**

	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Legal	Managerial	Technical	Clerical	Respon. Hours/	Labor Cost/	Capital/ Startup Costs per	O&M Costs/	Number of Respon. or	Total Hours/	Total Cost/
INFORMATION COLLECTION ACTIVITY	Hours	Hours	Hours	Hours	Activity	Activity	Activity	Activity	Activ.	Year	Year
Perform tank tightness testing	0.00	0.25	0.15	0.25	0.65	\$32.95	\$0.00	\$550.00	3,558	2,313	\$2,074,311
Manual Tank Gauging Only (without Tank Tightness Testing)											
Record monthly water level measurements, reconcile measurements monthly	0.00	0.00	0.00	0.50	0.50	\$13.50	\$0.00	\$0.00	0	0	\$0
Record weekly tank liquid level measurements	0.00	0.00	0.00	0.05	0.05	\$1.35	\$0.00	\$0.00	0	0	\$0
Automatic Tank Gauging											
Record results of monthly automatic product level monitoring tests	0.00	0.00	0.05	0.00	0.05	\$2.65	\$0.00	\$0.00	0	0	\$0
Record daily inventory volume measurements	0.00	0.00	0.02	0.00	0.02	\$1.06	\$0.00	\$0.00	0	0	\$0
Vapor Monitoring											
Record results of monthly vapor monitoring	0.00	0.00	0.05	0.00	0.05	\$2.65	\$733.00	\$0.00	426,996	21,350	\$10,973,931
Ground-Water Monitoring											
Record results of monthly ground-water monitoring	0.00	0.00	0.05	0.00	0.05	\$2.65	\$469.00	\$0.00	426,996	21,350	\$7,429,059
Interstitial Monitoring											
Record results of monthly interstitial monitoring	0.00	0.00	0.05	0.00	0.05	\$2.65	\$384.00	\$0.00	1,281,000	64,050	\$44,386,650
Alternative Technology											
Prepare and submit a demonstration of the effectiveness of an alternative technology	0.00	2.00	8.00	1.00	11.00	\$597.00	\$0.00	\$3.00	0	0	\$0
<b>Release Detection for Piping (280.44)</b>											
Conduct annual test of the operation of the automatic line leak detector in accordance with the manufacturer's requirements	0.00	0.00	0.25	0.00	0.25	\$13.25	\$0.00	\$125.00	427,001	106,750	\$59,032,888
Record results of annual line leak detection test	0.00	0.00	0.05	0.00	0.05	\$2.65	\$0.00	\$0.00	427,001	21,350	\$1,131,553
<b>Release Detection Recordkeeping (280.45)</b>											
Maintain records for specified time periods	0.00	0.00	0.00	1.00	1.00	\$27.00	\$0.00	\$0.00	261,865	261,865	\$7,070,355
<b>Subtotal</b>	varies	varies	varies	varies	varies	varies	varies	varies	varies	531,553	\$153,502,159

**EXHIBIT 1**  
**ANNUAL ESTIMATED RESPONDENT BURDEN AND COST**  
**TECHNICAL AND FINANCIAL REQUIREMENTS**

	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Legal	Managerial	Technical	Clerical	Respon. Hours/	Labor Cost/	Capital/ Startup Costs per	O&M Costs/	Number of Respon. or	Total Hours/	Total Cost/
INFORMATION COLLECTION ACTIVITY	Hours	Hours	Hours	Hours	Activity	Activity	Activity	Activity	Activ.	Year	Year
<b>RELEASE REPORTING, INVESTIGATION, AND CONFIRMATION</b>											
<b>Reading the Regulations</b>											
Read the regulations	0.25	0.25	0.50	0.00	1.00	\$70.25	\$0.00	\$0.00	4,698	4,698	\$330,035
<b>Reporting of Suspected Releases (280.50)</b>											
Gather information - Facility	0.00	1.00	4.00	0.00	5.00	\$285.00	\$0.00	\$2,544.00	9,792	48,960	\$27,701,568
Gather information - Contractor	0.00	5.00	31.00	15.00	51.00	\$2,527.00	\$0.00	\$0.00	9,792	499,392	\$24,744,384
Report the suspected release	0.00	0.25	0.00	0.00	0.25	\$18.25	\$0.00	\$3.00	9,792	2,448	\$208,080
<b>Reporting and Cleanup of Spills and Overfills (280.53)</b>											
Report fill or overfill within 24 hours if over 25 gallons or the reportable quantity	0.00	0.50	0.00	0.00	0.50	\$36.50	\$0.00	\$3.00	7,833	3,917	\$309,404
Notify the implementing agency if unable to cleanup a spill less than 25 gallons or the reportable quantity	0.00	0.50	0.00	0.00	0.50	\$36.50	\$0.00	\$3.00	1,000	500	\$39,500
<b>Subtotal</b>	varies	varies	varies	varies	varies	varies	varies	varies	varies	559,915	\$53,332,970
<b>RELEASE RESPONSE AND CORRECTIVE ACTION FOR UST SYSTEMS CONTAINING PETROLEUM OR HAZARDOUS SUBSTANCES</b>											
<b>Reading the Regulations</b>											
Read the regulations	0.50	0.50	1.00	0.00	2.00	\$140.50	\$0.00	\$0.00	4,698	9,396	\$660,069
<b>Initial Response (280.61(a))</b>											
Report the confirmed release by telephone or electronic mail	0.00	0.50	0.50	0.00	1.00	\$63.00	\$0.00	\$0.00	7,833	7,833	\$493,479
<b>Initial Abatement Measures Report and Site Check (280.62(a) and (b))</b>											
Gather information during initial abatement	0.00	3.00	1.00	0.00	4.00	\$272.00	\$0.00	\$777.18	7,833	31,332	\$8,218,227
Prepare and submit summary report of initial abatement steps - Facility	0.50	1.50	1.00	0.00	3.00	\$213.50	\$0.00	\$317.52	7,833	23,499	\$4,159,480
Prepare and submit summary report of initial abatement steps - Contractor	0.00	4.00	27.00	13.00	44.00	\$2,171.00	\$0.00	\$0.00	7,833	344,652	\$17,005,443
<b>Initial Site Characterization (280.63)</b>											
Gather information for initial site characterization - Facility	0.00	6.00	1.00	0.00	7.00	\$491.00	\$0.00	\$3,005.71	7,833	54,831	\$27,389,729
Gather information for initial site characterization - Contractor	0.00	9.00	54.00	27.00	90.00	\$4,455.00	\$0.00	\$0.00	7,833	704,970	\$34,896,015
Prepare and submit information per instructions	0.50	1.50	1.00	0.00	3.00	\$213.50	\$0.00	\$417.96	7,833	23,499	\$4,946,226

**EXHIBIT 1**  
**ANNUAL ESTIMATED RESPONDENT BURDEN AND COST**  
**TECHNICAL AND FINANCIAL REQUIREMENTS**

	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Legal	Managerial	Technical	Clerical	Respon.	Labor	Capital/	O&M	Number	Total	Total
INFORMATION COLLECTION ACTIVITY	Hours	Hours	Hours	Hours	Hours/	Cost/	Startup	Costs/	of	Hours/	Cost/
					Activity	Activity	Costs per	Activity	Respon.	Year	Year
									or		
									Activ.		
<b>Free Product Removal (280.64)</b>											
Gather information for free product removal report - Facility	0.00	1.50	3.25	0.00	4.75	\$281.75	\$0.00	\$368.50	1,567	7,443	\$1,018,942
Gather information for free product removal report - Contractor	0.00	6.00	38.00	19.00	63.00	\$3,109.00	\$0.00	\$0.00	1,567	98,721	\$4,871,803
Prepare and submit report	0.50	1.00	0.00	0.00	1.50	\$124.00	\$0.00	\$125.50	1,567	2,351	\$390,967
<b>Investigations for Soil and Groundwater Cleanup (280.65)</b>											
Gather information for investigation report - Facility	0.00	2.00	0.00	0.00	2.00	\$146.00	\$0.00	\$2,859.36	3,133	6,266	\$9,415,793
Gather information for investigation report - Contractor	0.00	10.00	61.00	31.00	102.00	\$5,037.00	\$0.00	\$0.00	3,133	319,566	\$15,780,921
Submit collected information	0.50	0.75	0.00	0.00	1.25	\$105.75	\$0.00	\$371.11	3,133	3,916	\$1,494,002
<b>Corrective Action Plan (280.66)</b>											
Prepare and submit corrective action plan or additional information - Facility	2.00	2.25	0.00	0.00	4.25	\$368.25	\$0.00	\$922.00	2,350	9,988	\$3,032,088
Prepare and submit corrective action plan or additional information - Contractor	0.00	13.00	78.00	39.00	130.00	\$6,435.00	\$0.00	\$0.00	2,350	305,500	\$15,122,250
Notify implementing agency of early cleanup	0.00	0.50	0.00	0.00	0.50	\$36.50	\$0.00	\$3.00	235	118	\$9,283
Report results of implementing plan - Facility	2.00	2.75	0.00	0.00	4.75	\$404.75	\$0.00	\$667.00	2,350	11,163	\$2,518,613
Report results of implementing plan - Contractor	0.00	6.00	37.00	19.00	62.00	\$3,057.00	\$0.00	\$0.00	2,350	145,700	\$7,183,950
<b>Subtotal</b>	varies	varies	varies	varies	varies	varies	varies	varies	varies	2,110,743	\$158,607,278
<b>OUT-OF-SERVICE UST SYSTEMS AND CLOSURE</b>											
<b>Reading the Regulations</b>											
Read the regulations	0.25	0.25	0.50	0.00	1.00	\$70.25	\$0.00	\$0.00	4,698	4,698	\$330,035
<b>Permanent Closure and Change-In-Service Notification (280.71(a))</b>											
Notify the implementing agency of permanent closure or change-in-service	0.00	0.25	0.00	0.00	0.25	\$18.25	\$0.00	\$3.00	35,000	8,750	\$743,750
Conduct site assessment of excavation zone - Facility	0.00	2.75	0.00	0.00	2.75	\$200.75	\$0.00	\$2,333.00	35,000	96,250	\$88,681,250
Conduct site assessment of excavation zone - Contr.	0.00	6.00	37.00	18.00	61.00	\$3,022.00	\$0.00	\$0.00	35,000	2,135,000	\$105,770,000

**EXHIBIT 1**  
**ANNUAL ESTIMATED RESPONDENT BURDEN AND COST**  
**TECHNICAL AND FINANCIAL REQUIREMENTS**

	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Legal	Managerial	Technical	Clerical	Respon.	Labor	Capital/	O&M	Number	Total	Total
INFORMATION COLLECTION ACTIVITY	Hours	Hours	Hours	Hours	Hours/	Cost/	Startup	Costs/	of	Hours/	Cost/
					Activity	Activity	Costs per	Activity	Respon.	Year	Year
									or		
									Activ.		
<b>Closure Records (280.74)</b>											
Maintain records after permanent closure or change-in-service for at least three years	0.00	0.00	0.00	0.10	0.10	\$2.70	\$0.00	\$0.10	35,000	3,500	\$98,000
Mail records to implementing agency if they cannot be maintained on site	0.00	0.00	0.00	0.50	0.50	\$13.50	\$0.00	\$3.00	3,500	1,750	\$57,750
<b>Subtotal</b>	varies	varies	varies	varies	varies	varies	varies	varies	varies	2,249,948	\$195,680,785
<b>FINANCIAL RESPONSIBILITY</b>											
<b>Reading the Regulations</b>											
Read the regulations	0.50	0.50	1.00	0.00	2.00	\$140.50	\$0.00	\$0.00	4,698	9,396	\$660,069
<b>Cancellation or Nonrenewal by a Provider of Financial Assurance (280.109)</b>											
Prepare and submit a notice of termination of financial assurance	0.25	0.00	0.50	0.25	1.00	\$58.75	\$0.00	\$3.00	5,237	5,237	\$323,385
If necessary, prepare and submit notice of failure to obtain alternative coverage within 60 days	0.00	0.50	1.00	0.25	1.75	\$96.25	\$0.00	\$3.00	524	917	\$52,007
<b>Reporting (280.110)</b>											
Gather and submit forms listed in Section 280.111(b) to the implementing agency documenting current evidence of financial responsibility	0.00	0.00	0.00	0.25	0.25	\$6.75	\$0.00	\$3.00	7,833	1,958	\$76,372
<b>Recordkeeping (280.111)</b>											
Obtain and keep on file proof of financial responsibility	0.00	0.00	0.25	0.10	0.35	\$15.95	\$0.00	\$0.10	261,865	91,653	\$4,202,933
Update certification if financial assurance mechanism is modified	0.00	0.00	0.50	0.25	0.75	\$33.25	\$0.00	\$0.00	13,093	9,820	\$435,342
<b>Bankruptcy or Other Incapacity (280.114)</b>											
Prepare and submit notification of commencement of bankruptcy procedures	0.50	0.25	0.50	0.25	1.50	\$102.50	\$0.00	\$3.00	5,237	7,856	\$552,504
If necessary, prepare and submit notice of inability to obtain alternative coverage within 30 days	0.00	0.50	1.00	0.25	1.75	\$96.25	\$0.00	\$3.00	524	917	\$52,007
<b>Subtotal</b>	varies	varies	varies	varies	varies	varies	varies	varies	varies	127,753	\$6,354,619
<b>TOTAL</b>	varies	varies	varies	varies	varies	varies	varies	varies	varies	6,023,665	\$666,098,497

**EXHIBIT 2**  
**ANNUAL ESTIMATED RESPONDENT BURDEN AND COST**  
**STATE PROGRAM APPROVAL**

	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Legal	Managerial	Technica	Clerical	Respon.	Labor	Capital/	O & M	Number	Total	Total
INFORMATION COLLECTION ACTIVITY	Hours	Hours	Hours	Hours	Hours/	Cost/	Startup	Cost/	of Respon.	Hours/	Cost/
					Activity	Activity	Cost per	Activity	or	Year	Year
COMPONENTS OF A PROGRAM APPLICATION											
<b>Reading the Regulations</b>											
Read the regulations	4.00	4.00	8.00	0.00	16.00	\$1,124.00	\$0.00	\$0.00	3	48	\$3,372
<b>Transmittal Letter (281.20(a))</b>											
Obtain a transmittal letter from the Governor's office	1.00	1.00	2.00	1.00	5.00	\$308.00	\$0.00	\$0.00	3	15	\$924
Submit letter to implementing agency	0.00	0.00	0.00	0.10	0.10	\$2.70	\$0.00	\$3.00	3	0.30	\$17
<b>Description of State Program (281.20(b) and 2801.21)</b>											
Prepare and submit description of state program	6.00	10.00	30.00	0.00	46.00	\$2,932.00	\$0.00	\$3.00	3	138	\$8,805
<b>Procedures for Adequate Enforcement (281.22 and 281.20(c))</b>											
Gather and submit information on compliance monitoring and enforcement procedures	3.00	4.00	30.00	5.00	42.00	\$2,323.00	\$0.00	\$3.00	3	126	\$6,978
<b>Memorandum of Agreement (281.24 and 381.20(e))</b>											
Negotiate an MOA with EPA	10.00	6.00	15.00	5.00	36.00	\$2,388.00	\$0.00	\$0.00	3	108	\$7,164
Prepare and submit written MOA with application	4.00	6.00	8.00	2.00	20.00	\$1,324.00	\$0.00	\$3.00	3	60	\$3,981
<b>Attorney General's Statement (281.25 and 2801.20(f))</b>											
Draft and submit statement from Attorney General	47.00	9.00	18.00	8.00	82.00	\$6,621.00	\$0.00	\$3.00	3	246	\$19,872
<b>Copies of Statutes and Regulations (281.20(g))</b>											
Research and gather statutes and regulations	4.00	0.00	4.00	16.00	24.00	\$1,052.00	\$0.00	\$0.00	3	72	\$3,156
Submit copies as a part of the application to EPA	0.00	0.00	0.00	0.10	0.10	\$2.70	\$0.00	\$3.00	3	0.30	\$17
<b>Subtotal</b>	varies	varies	varies	varies	varies	varies	varies	varies	varies	814	\$54,286
<b>ADEQUATE ENFORCEMENT AND COMPLIANCE</b>											
<b>Reading the Regulations</b>											
Read the regulations	1.00	1.00	2.00	0.00	4.00	\$281.00	\$0.00	\$0.00	3	12	\$843
<b>Sharing of Information (281.43(a))</b>											
Maintain files and current information on program administration	0.00	0.00	3.00	24.00	27.00	\$807.00	\$0.00	\$0.00	39	1,053	\$31,473
Submit information to EPA, if requested	0.00	0.00	0.00	0.10	0.10	\$2.70	\$0.00	\$3.00	1	0.10	\$6
<b>Subtotal</b>	varies	varies	varies	varies	varies	varies	varies	varies	varies	1,065	\$32,322

**EXHIBIT 2**  
**ANNUAL ESTIMATED RESPONDENT BURDEN AND COST**  
**STATE PROGRAM APPROVAL**

	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Legal	Managerial	Technica	Clerical	Respon.	Labor	Capital/	O & M	Number	Total	Total
INFORMATION COLLECTION ACTIVITY	Hours	Hours	Hours	Hours	Hours/	Cost/	Startup	Cost/	of Respon.	Hours/	Cost/
					Activity	Activity	Cost per	Activity	or	Year	Year
APPROVAL PROCEDURES											
<b>Reading the Regulations</b>											
Read the regulations	1.00	1.00	2.00	0.00	4.00	\$281.00	\$0.00	\$0.00	0	0	\$0
<b>Revision of Approved State Programs (281.52(a)-(b))</b>											
Collect and submit information on changes in regulations or shifts in responsibilities	2.00	5.00	10.00	5.00	22.00	\$1,234.00	\$0.00	\$3.00	0	0	\$0
Prepare and submit revised application, if requested by EPA	25.00	10.00	35.00	12.00	82.00	\$5,459.00	\$0.00	\$3.00	0	0	\$0
<b>Subtotal</b>	varies	varies	varies	varies	varies	varies	varies	varies	varies	0	\$0
<b>WITHDRAWAL OF APPROVAL OF STATE PROGRAMS</b>											
<b>Reading the Regulations</b>											
Read the regulations	1.00	1.00	2.00	0.00	4.00	\$281.00	\$0.00	\$0.00	0	0	\$0
<b>Procedures for Withdrawal of Approval of State Programs (281.61(a)(1))</b>											
Gather information for program transfer	2.00	2.00	16.00	8.00	28.00	\$1,414.00	\$0.00	\$0.00	0	0	\$0
Prepare and submit transfer notification	0.00	0.50	1.00	1.00	2.50	\$116.50	\$0.00	\$3.00	0	0	\$0
Develop and submit plan for information transfer at least 90 days before the transfer	2.00	4.00	8.00	2.00	16.00	\$974.00	\$0.00	\$3.00	0	0	\$0
<b>Subtotal</b>	varies	varies	varies	varies	varies	varies	varies	varies	varies	0	\$0
<b>TOTAL</b>	varies	varies	varies	varies	varies	varies	varies	varies	varies	1,879	\$86,608

**EXHIBIT 3**  
**ANNUAL ESTIMATED AGENCY BURDEN AND COST**  
**UST TECHNICAL AND FINANCIAL REQUIREMENTS**

INFORMATION COLLECTION  ACTIVITY	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Legal	Managerial	Technical	Clerical	Respon.	Labor	Capital/	O & M	Number	Total	Total
	Hours	Hours	Hours	Hours	Hours/	Cost/	Startup	Cost	of Respon.	Hours/	Cost/
					Activity	Activity	Cost	Activity	or	Year	Year
<b>UST SYSTEMS: DESIGN, CONSTRUCTION, INSTALLATION AND NOTIFICATION</b>											
Review and file notification forms	0.00	0.00	0.50	0.25	0.75	\$19.58	\$0.00	\$0.00	30,000	22,500	\$587,400
Enter information into a database	0.00	0.00	0.00	0.10	0.10	\$1.83	\$0.00	\$0.00	30,000	3,000	\$54,900
<b>Subtotal</b>	varies	varies	varies	varies	varies	varies	varies	varies	varies	25,500	\$642,300
<b>RELEASE DETECTION</b>											
Review demonstration of the effectiveness of an alternative method of release detection for piping	0.00	2.00	8.00	0.00	10.00	\$325.84	\$0.00	\$0.00	0	0	\$0
Review demonstration of the effectiveness of an alternative method of release detection for tanks	0.00	2.00	8.00	0.00	10.00	\$325.84	\$0.00	\$0.00	0	0	\$0
<b>Subtotal</b>	varies	varies	varies	varies	varies	varies	varies	varies	varies	0	\$0
<b>RELEASE REPORTING, INVESTIGATION, AND CONFIRMATION</b>											
Review and file information on suspected releases	0.00	0.50	2.00	0.50	3.00	\$90.59	\$0.00	\$0.00	9,792	29,376	\$887,057
Enter information into a database	0.00	0.00	0.00	0.10	0.10	\$1.83	\$0.00	\$0.00	9,792	979	\$17,919
Review and file information on major spills and overfills over 25 gallons or the reportable quantity	0.00	0.50	2.00	0.50	3.00	\$90.59	\$0.00	\$0.00	7,833	23,499	\$709,591
Enter information into a database	0.00	0.00	0.00	0.10	0.10	\$1.83	\$0.00	\$0.00	7,833	783	\$14,334
Review and file information on minor spills and overfills under 25 gallons or the reportable quantity that could not be cleaned up within 24 hours of the occurrence	0.00	0.25	1.00	0.25	1.5	\$45.30	\$0.00	\$0.00	1,000	1,500	\$45,300
Enter information into a database	0.00	0.00	0.00	0.10	0.10	\$1.83	\$0.00	\$0.00	1,000	100	\$1,830
<b>Subtotal</b>	varies	varies	varies	varies	varies	varies	varies	varies	varies	56,238	\$1,676,031

**EXHIBIT 3**  
**ANNUAL ESTIMATED AGENCY BURDEN AND COST**  
**UST TECHNICAL AND FINANCIAL REQUIREMENTS**

INFORMATION COLLECTION	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Legal	Managerial	Technical	Clerical	Respon.	Labor	Capital/	O & M	Number	Total	Total
	Hours	Hours	Hours	Hours	Hours/	Cost/	Startup	Cost	of	Hours/	Cost/
ACTIVITY	Hours	Hours	Hours	Hours	Activity	Activity	Cost	Activity	Respon.	Year	Year
<b>RELEASE RESPONSE AND CORRECTIVE ACTION FOR UST SYSTEMS CONTAINING PETROLEUM OR HAZARDOUS SUBSTANCES</b>											
Receive and review initial response report	0.00	0.00	0.50	0.00	0.50	\$15.02	\$0.00	\$0.00	7,833	3,917	\$117,652
Enter information into a data base	0.00	0.00	0.00	0.50	0.50	\$9.13	\$0.00	\$0.00	7,833	3,917	\$71,515
Review and file summary report of initial abatement measures	0.00	1.00	4.00	0.25	5.25	\$167.49	\$0.00	\$0.00	7,833	41,123	\$1,311,949
Review and file information on initial site characterization	0.00	1.00	4.00	0.25	5.25	\$167.49	\$0.00	\$0.00	7,833	41,123	\$1,311,949
Enter information into a database	0.00	0.00	0.00	0.25	0.25	\$4.57	\$0.00	\$0.00	7,833	1,958	\$35,797
Review and file free product removal report	0.00	1.00	4.00	0.25	5.25	\$167.49	\$0.00	\$0.00	1,567	8,227	\$262,457
Enter information into a database	0.00	0.00	0.00	0.10	0.10	\$1.83	\$0.00	\$0.00	1,567	157	\$2,868
Review and file soil and groundwater investigation report	0.00	1.00	4.00	0.25	5.25	\$167.49	\$0.00	\$0.00	3,133	16,448	\$524,746
Enter information into a database	0.00	0.00	0.00	0.25	0.25	\$4.57	\$0.00	\$0.00	3,133	783	\$14,318
Review and file corrective action plan	1.00	2.00	8.00	0.25	11.25	\$397.85	\$0.00	\$0.00	2,350	26,438	\$934,948
Notify public of the release and the corrective action plan through an appropriate means	0.00	0.00	1.00	0.25	1.25	\$34.60	\$0.00	\$0.00	2,350	2,938	\$81,310
Hold a public hearing and consider comments on the proposed corrective action plan	0.00	2.00	8.00	0.00	10.00	\$325.84	\$0.00	\$0.00	2,350	23,500	\$765,724
Notify the owner or operator whether plan is approved or disapproved	0.00	0.25	0.00	0.25	0.50	\$15.27	\$0.00	\$3.00	2,350	1,175	\$42,935
Review and file the report on results of implementing the plan	2.00	4.00	16.00	0.25	22.25	\$791.13	\$0.00	\$0.00	2,350	52,288	\$1,859,156
Give public notice if the approved plan fails to achieve established cleanup levels, and termination of plan is being considered (failure rate of 5%)	0.00	0.00	1.00	0.25	1.25	\$34.60	\$0.00	\$0.00	118	148	\$4,083
<b>Subtotal</b>	varies	varies	varies	varies	varies	varies	varies	varies	varies	224,138	\$7,341,407
<b>OUT-OF-SERVICE UST SYSTEMS AND CLOSURE</b>											
Review and file notification of closure or a change in service	0.00	0.00	0.50	0.25	0.75	\$19.58	\$0.00	\$0.00	35,000	26,250	\$685,300
<b>Subtotal</b>	varies	varies	varies	varies	varies	varies	varies	varies	varies	26,250	\$685,300



**EXHIBIT 3**  
**ANNUAL ESTIMATED AGENCY BURDEN AND COST**  
**UST TECHNICAL AND FINANCIAL REQUIREMENTS**

INFORMATION COLLECTION  ACTIVITY	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Legal	Managerial	Technical	Clerical	Respon.	Labor	Capital/	O & M	Number	Total	Total
	Hours	Hours	Hours	Hours	Hours/	Cost/	Startup/	Cost	of Respon.	Hours/	Cost/
					Activity	Activity	Activity	Activity	Activ.	Year	Year
<b>FINANCIAL RESPONSIBILITY</b>											
Review and file submitted financial assurance information	0.00	0.00	0.50	0.25	0.75	\$19.58	\$0.00	\$0.00	7,833	5,875	\$153,370
Enter financial assurance information into a database	0.00	0.00	0.00	0.10	0.10	\$1.83	\$0.00	\$0.00	7,833	783	\$14,334
Notify owners or operators if they no longer meet financial assurance responsibilities	0.00	0.25	0.00	0.25	0.50	\$15.27	\$0.00	\$3.00	5,237	2,619	\$95,680
Review and file notification of failure to obtain alternative financial assurance due to cancellation or non-renewal of policy	0.00	0.25	1.00	0.25	1.50	\$45.30	\$0.00	\$0.00	524	786	\$23,737
Review and file notification of commencement of bankruptcy procedures	0.00	0.25	1.00	0.25	1.50	\$45.30	\$0.00	\$0.00	5,237	7,856	\$237,236
Review and file notification of failure to obtain alternative financial assurance due to bankruptcy	0.00	0.25	1.00	0.25	1.50	\$45.30	\$0.00	\$0.00	524	786	\$23,737
<b>Subtotal</b>	varies	varies	varies	varies	varies	varies	varies	varies	varies	18,704	\$548,094
<b>TOTAL</b>	varies	varies	varies	varies	varies	varies	varies	varies	varies	350,829	\$10,893,132

**EXHIBIT 4**  
**ANNUAL ESTIMATED AGENCY BURDEN AND COST**  
**STATE PROGRAM APPROVAL**

INFORMATION COLLECTION ACTIVITY	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Legal	Managerial	Technical	Clerical	Respon.	Labor	Capital/	O & M	Number	Total	Total
	Hours	Hours	Hours	Hours	Hours/	Cost/	Startup	Cost	of	Hours/	Cost/
					Activity	Activity	Cost	Activity	Respon.	Year	Year
									or		
									Activ.		
<b>APPROVAL PROCEDURES</b>											
Examine state program application and notify the state whether the application is complete	0.00	1.00	4.00	0.00	5.00	\$162.92	\$0.00	\$0.00	3	15	\$489
Review the complete state program application and tentatively determine approval or disapproval for a state program	8.00	16.00	40.00	0.00	64.00	\$2,425.52	\$0.00	\$0.00	3	192	\$7,277
Issue public notice of the tentative decision	0.00	0.50	0.00	0.25	0.75	\$25.97	\$0.00	\$0.00	3	2.25	\$78
Receive and review public comments	0.00	1.00	4.00	0.00	5.00	\$162.92	\$0.00	\$0.00	3	15	\$489
Conduct public hearing, if necessary	0.00	2.00	2.00	0.00	4.00	\$145.66	\$0.00	\$0.00	3	12	\$437
Make a final decision on approval or disapproval for a state program	0.00	1.00	4.00	0.00	5.00	\$162.92	\$0.00	\$0.00	3	15	\$489
Issue notice of the final decision	0.00	0.50	0.00	0.25	0.75	\$25.97	\$0.00	\$0.00	3	2.25	\$78
Review the revision of approved state program and tentatively determine approval or disapproval	2.00	4.00	10.00	0.00	16.00	\$606.38	\$0.00	\$0.00	0	0	\$0
Issue public notice of the tentative decision	0.00	0.50	0.00	0.25	0.75	\$25.97	\$0.00	\$0.00	0	0	\$0
Notify state if decision receives negative public comment and either withdraw the decision or respond to the negative public comments	0.00	1.00	4.00	0.25	5.25	\$167.49	\$0.00	\$3.00	0	0	\$0
<b>Subtotal</b>	varies	varies	varies	varies	varies	varies	varies	varies	varies	254	\$9,337
<b>WITHDRAWAL OF APPROVAL OF STATE PROGRAMS</b>											
Review and file transfer notification and plan	1.00	2.00	8.00	0.25	11.25	\$397.85	\$0.00	\$0.00	0	0	\$0
Publish notice of the transfer	0.00	0.50	0.00	0.25	0.75	\$25.97	\$0.00	\$0.00	0	0	\$0
Conduct withdrawal proceedings in accordance with 40 CFR 271.23(b) and (c)	2.00	4.00	16.00	0.00	22.00	\$786.56	\$0.00	\$0.00	0	0	\$0
<b>Subtotal</b>	varies	varies	varies	varies	varies	varies	varies	varies	varies	0	\$0
<b>TOTAL</b>	varies	varies	varies	varies	varies	varies	varies	varies	varies	254	\$9,337

## 6(e) Bottom Line Burden and Costs

### Respondent Tally

Exhibit 5 summarizes the total annual hour and cost burden to UST owners and operators and to States (as respondents seeking program approval). As shown in the exhibit, EPA estimates the annual respondent burden to be approximately 6.03 million hours and \$666.19 million. The bottom line burden to respondents over three years is estimated to be approximately 18.09 million hours and \$1,998.57 million.

#### EXHIBIT 5

##### TOTAL ESTIMATED RESPONDENT BURDEN AND COST SUMMARY

INFORMATION COLLECTION ACTIVITY	Total Hours/ Year	Labor Cost	Capital/ Startup Cost	O & M Cost	Total Cost/ Year
Technical and Financial Requirements	6,023,665	\$302,537,879	\$57,131,192	\$306,428,707	\$666,098,497
State Program Approval	1,879	\$86,551	\$0	\$57	\$86,608
<b>TOTAL</b>	<b>6,025,543</b>	<b>\$302,624,430</b>	<b>\$57,131,912</b>	<b>\$306,428,764</b>	<b>\$666,185,105</b>

### Agency Tally

Exhibit 6 summarizes the estimated burden to EPA. As shown in the exhibit, EPA estimates that the annual Agency burden is approximately 0.35 million hours and \$10.90 million. The bottom line burden to the Agency over three years is estimated to be approximately 1.05 million hours and \$32.70 million.

#### EXHIBIT 6

##### TOTAL ESTIMATED AGENCY BURDEN AND COST SUMMARY

INFORMATION COLLECTION ACTIVITY	Total Hours/ Year	Labor Cost	Capital/ Startup Cost	O & M Cost	Total Cost/ Year
Technical and Financial Requirements	350,829	\$10,228,071	\$0	\$22,761	\$10,893,132
State Program Approval	254	\$9,337	\$0	\$0	\$9,337
<b>TOTAL</b>	<b>351,083</b>	<b>\$10,237,408</b>	<b>\$0</b>	<b>\$22,761</b>	<b>\$10,902,469</b>

## **6(f) Reasons for Change in Burden**

This ICR is a comprehensive description of the total respondent burden for all information collection activities related to the UST program. EPA has revised its respondent universe and burden estimates based on updated data from OUST and industry sources. Because of these revisions, the total annual burden to respondents has decreased from the previous ICR (6.25 million hours per year) by approximately 0.22 million hours annually to 6.03 million hours.

### **TECHNICAL AND FINANCIAL REQUIREMENTS**

In modifying hourly respondent labor costs and technical and financial burden estimates under this ICR, EPA ensured that all respondent activities were covered by this ICR, including the development and gathering of information, not only information reporting and recordkeeping. EPA also conducted consultations with trade associations and contractors (see section 3(b) of this ICR). Based on these consultations, EPA increased the labor burden associated with many activities associated with the use and management of USTs, adjusted the labor rates for facilities and contractors, and added capital and O&M costs to various activities covered in the ICR. EPA believes that the revised burden reflects a more comprehensive and, therefore, more accurate portrait of the existing burden on the regulated community.

### **STATE PROGRAM APPROVAL PROCEDURES**

For State program approval procedures, this ICR estimates that the annual respondent burden will decrease slightly over the previous ICR. This increase has resulted, in part, from the smaller number of States that are expected to apply for State program approval. (The previous ICR estimated that four States would apply for program approval each year, while this ICR estimates that three States will submit State program materials each year). In addition, EPA revised its burden estimates based on several years of program experience and on input from State program officials. EPA believes that these changes resulted in a more accurate reflection of the burden placed on the State programs by the SPA process.

## **6(g) Burden Statement**

Exhibit 7 presents the average annual respondent hourly burden for each UST facility and for each State applying for program approval. As shown in the exhibit, for UST facilities, the total hourly burden for conducting the activities covered in this ICR is estimated to average approximately 23 hours per respondent annually. The reporting burden is estimated to average 11 hours per respondent per year. This estimate includes time for preparing and submitting notices, preparing and submitting demonstrations and applications, reporting releases, gathering information, and preparing and submitting reports. The recordkeeping burden for UST facilities is estimated to average 12 hours per respondent per year. This estimate includes time for gathering information and for developing and maintaining records.

**EXHIBIT 7****TOTAL AVERAGE RESPONDENT BURDEN**

<b>INFORMATION COLLECTION ACTIVITY</b>	<b>Average Reporting Burden (Hours)</b>	<b>Average Recordkeeping Burden (Hours)</b>	<b>Total Average Burden (Hours)</b>
Technical and Financial Requirements	10.91	11.69	22.60
State Program Approval	19.63	28.54	48.17

For States applying for program approval, the total hourly burden is estimated to average approximately 48 hours per State annually. The reporting burden is estimated to average 20 hours per respondent per year. This estimate includes time for preparing and submitting an application and associated information. The recordkeeping burden is estimated to be 28 hours per respondent per year. This estimate includes time for maintaining application files.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503, Attention: Desk Officer for EPA. Include the EPA ICR number and OMB control number in any correspondence.